

SPEECHES

OF

HON. STEPHEN A. DOUGLAS, OF ILLINOIS,

IN THE SENATE OF THE UNITED STATES, MARCH 15, 25, AND 26, 1861.

The VICE PRESIDENT. If there be no further resolutions, the next business in order is the resolutions on the table which have heretofore been submitted.

Mr. DOUGLAS. Let the first one be read.

The VICE PRESIDENT. The following resolution is in order, which will be read by the Secretary.

The Secretary read it, as follows:

*Resolved*, That the Secretary of War be requested to inform the Senate what forts, arsenals, navy-yards, and other public works, within the limits of the States of South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas, are now within the actual possession and occupation of the United States, and by what number of men each is garrisoned and held, and whether reinforcements are necessary to retain the same; and if so, whether the Government has the power and means, under existing laws, to supply such reinforcements within such time as the exigencies and necessities of the case may demand; and whether the defense and protection of the United States and their interests make it necessary and wise to retain military possession of such forts, places, and other property, except at Key West and Tortugas, and to recapture and reoccupy such others as the United States have been deprived of by seizure or surrender for any other purpose, and with a view to any other end than the subjugation and occupation of those States which have assumed the right to secede from the Union, and within whose limits such forts and other public property are situated; and if such be the motives for recapturing and holding the forts and other public property, what military force, including regulars and volunteers, would be necessary to enable the United States to reduce the States aforesaid, and such others as are supposed to sympathize with them, to subjection and obedience to the laws of the Union, and to protect the Federal capital.

Mr. DOUGLAS. Mr. President—

Mr. CLARK. Will the Senator from Illinois allow me to move an amendment? I do not wish to take the floor from him, but simply to show what I shall propose.

Mr. DOUGLAS. Yes, sir; I will allow the Senator to move it now.

Mr. CLARK. I move to strike out all of the resolution after the words "retain the same," six or eight lines from the beginning.

Mr. DOUGLAS. Let so much of the resolution as it is proposed to strike out be read.

The Secretary read it, as follows:

"And if so, whether the Government has the power and means, under existing laws, to supply such reinforcements within such time as the exigencies and necessities of the case may demand; and whether the defense and protection of the United States and their interests make it necessary

and wise to retain military possession of such forts, places, and other property, except at Key West and Tortugas, and to recapture and reoccupy such others as the United States have been deprived of by seizure or surrender, for any other purpose and with a view to any other end than the subjugation and occupation of those States which have assumed the right to secede from the Union, and within whose limits such forts and other public property are situated; and if such be the motives for recapturing and holding the forts and other public property, what military force, including regulars and volunteers, would be necessary to enable the United States to reduce the States aforesaid, and such others as are supposed to sympathize with them, to subjection and obedience to the laws of the Union, and to protect the Federal capital."

Mr. CLARK. I will modify my amendment, by moving to strike out all after the words "United States." There may be a reason why we should not tell how many men garrison the forts.

Mr. DOUGLAS. Let the Secretary read so much as that will leave in the resolution.

The Secretary read, as follows:

*Resolved*, That the Secretary of War be requested to inform the Senate what forts, arsenals, navy-yards, and other public works, within the limits of the States of South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas, are now within the actual possession and occupation of the United States.

Mr. DOUGLAS. I cannot accede, of course, to the amendment proposed by the Senator from New Hampshire; for its adoption would defeat the entire object of the resolution. It was not my purpose, when I offered the resolution, to say anything upon it until we should have received the information sought to be obtained by the inquiry. I think the information which it is proposed to elicit is very important to the quiet and the peace of this country. The public mind now is greatly disturbed by apprehensions of civil war. The inaugural address of the President is understood by many in both sections of the Union as indicating a war policy. If we allow these apprehensions to ripen into a conviction that the Administration does meditate a war policy to reduce to subjection the seceded States by military force, I apprehend that we shall find a terrific issue precipitated upon us in shorter time than many of us imagine. I do not believe such to be the policy of the President. I do not so understand his inaugural. I have already stated to the Senate the construction that I have placed upon it. The correctness of that construction is disputed on this

side of the Senate. The Republican side of the Chamber remains mute and silent, neither assenting nor dissenting.

In this state of the case, for the purpose of quieting the apprehensions of the country, and demonstrating, first, that the President does not meditate war; and, secondly, that he has no means for prosecuting a warfare upon the seceding States, even if he desired, I bring in this resolution. Attempts are made to prevent its consideration. It is suggested that the discussion of it at this time would be, if not improper, at least injurious. What bad effects can result from answering the inquiries contained in the resolution? If the policy of the Administration be peace, and if the answer be such as I anticipate it will be, it will quiet the country; it will relieve these apprehensions; it will restore confidence; it will cause rejoicing throughout the length and breadth of the land. If, on the contrary, the policy be war, it is due to the people of the United States that that fact should be known, and that we be informed whither we are drifting, in order that we may see whether we are willing to be drawn into war irregularly, without the sanction of Congress or the consent the country.

I believe that the answer to this resolution will quiet the country, and restore good will and good feeling among the people of the different sections. I repeat the conviction that Mr. Lincoln does not meditate war. Certain I am that, under the laws as they now exist, he cannot, consistent with his oath, do any act that will produce collision between the seceded States and the Federal Government. In the first place, he has no power, under the existing laws, to collect the revenue on ship-board, as is suggested by the partisan press. By the laws of the land, the revenue must be collected at the ports of entry, and in the custom-houses designated by law, and cannot be collected anywhere else, except in specific cases provided in the law itself. By reference to the act of the 2d of March, 1799, it will be seen that South Carolina is divided into three collection districts; that three ports of entry are established; one at Georgetown, one at Charleston, and one at Beaufort; and a collector, surveyor, and naval officer, are to be appointed "to reside at Charleston." The custom-house officers are required to reside at the ports of entry designated in the law. So it is with all the collections districts in all the other States. Another section—section eighteen—of the law makes it unlawful to enter goods or collect revenue elsewhere than the "ports of entry" designated in the law. It expressly prohibits the collection of revenue or the entry of goods at any other place. Then, a subsequent section—section eighty-five of the same law—makes one exception to this rule; and that is, in case a vessel is prevented by ice from approaching the pier or wharf at the port of entry, the captain, on application to the collector, may receive a permit to land the goods, and pay the duties at any other place in the district designated in the permit. The only case, then, where revenue can lawfully be collected, or goods lawfully be entered, at any other point than the port of entry designated in the law, is where the vessel is obstructed by ice from approaching the wharf at

such port. Such being the case, no revenue can be collected at Charleston, Savannah, Mobile, or New Orleans, or any other of those ports which are now in the possession of the "confederate" States.

It has been suggested, and the people of the country, north and south, have been led to believe, that it is the purpose of this Administration, without authority of law, to order revenue cutters down to those southern ports, and to collect revenue on board of them. I wish to call the attention of the Senate and the country to the fact that the law forbids the collection of revenue on ship-board or anywhere else, except at Charleston, at Savannah, at New Orleans, and at each one of the ports designated in the law. The President of the United States would subject himself justly and lawfully to impeachment if he should attempt to collect revenue on ship-board, or in any other manner, or at any other place, than that authorized by law. The law in this respect stands now just as it did when General Jackson, in 1832, called on Congress for additional legislation to enable him to collect revenue at the port of Charleston. Then General Jackson had no power to remove the custom-house from the city of Charleston to ship-board in the harbor. He had no power to order the collection of revenue anywhere else than at the place designated by law. Because of the absence of legal authority to do this, he called on Congress to pass a law which authorized him to collect the revenue on land or ship-board, anywhere within the harbor other than at the place designated as the port of entry. Congress passed the law known to the country as the "force bill." The force bill was passed March 2, 1833; and the first and fifth sections, which gave authority to collect the revenue at any place in the harbor, and the power to use military force, expired at the end of the next session of Congress by the express limitation of the act. Hence the law stands now just as it did before the force bill was passed; and there is no more authority to collect revenue on ship-board now than there was before the passage of the act of 1833. But, sir, even if the force bill were now in operation, it would not be possible to collect the revenue under it in the existing state of the case; for that bill confines the right to collect revenue within the port itself, whereas all these ports are now in possession of the southern confederacy, so that you cannot place a ship inside of the bar. Your vessel would have to be out in the open sea, and could not come into the port at all. What is true of Charleston in this respect is clearly correct of Savannah, of Mobile, and of New Orleans. They are all situated from thirty to forty, or fifty, and two hundred miles from the sea. You cannot and dare not place a collector of customs at either of these places until you conquer the city where your collector is to reside. You cannot, under the law, collect the revenue anywhere else, either on ship-board or on land. Then, what danger is there of any collision between this Government and the seceded States upon the question of collecting revenue? There is none, unless Senators suppose that the President of the United States is going to violate the law and his oath of office by using

force to do that which the law forbids him to do. I do not believe Mr. Lincoln is going to do any such thing.

But we are told that the country is to be precipitated into war by blockading all the southern ports; blockading ports within the United States; blockading our own ports with our own Army and Navy! Where is the authority for that? What law authorizes the President of the United States to blockade Federal ports at discretion? He has no more authority to blockade New Orleans or Charleston than he has to blockade New York or Boston; and no more legal right to blockade Mobile than Chicago. Sir, I cannot consent that the President of the United States may, at his discretion, blockade the ports of the United States or of any other country. He can do only what the Constitution and laws authorize him to do. He dare not attempt to obstruct commerce at the mouth of the Mississippi river, or at Mobile, or at any other port in the seceded States, or even those that have remained loyal to the Constitution and to the Union. The intimation that he is to do this implies a want of respect for the integrity of the President, or an ignorance of the laws of the land on the part of those who are disturbing the harmony and quiet of the country by threats of illegal violence.

Mr. KING. Will the Senator allow me to ask him a question in relation to this matter? Is it not the duty of the President to prevent smuggling in all the ports of this Union?

Mr. DOUGLAS. I am not talking about smuggling. It is his duty to enforce the laws of the land in respect to smuggling.

Mr. KING. Certainly.

Mr. DOUGLAS. But, sir, it is not his duty to prevent smuggling in any other mode or by any other means than those provided by law. Will the Senator from New York intimate to the Senate and to the country that, under the pretext of preventing smuggling, the President can close a port created by law, and stop all commerce connected with it? Will he intimate that, under suspicion that if the revenue cutter allows a vessel to enter the port of New Orleans she will not pay any duties, therefore the President will prevent her going there? The law gives him no such power, no such discretion. The revenue cutter may board a merchant vessel when it arrives within the district, for the purpose of examining her papers and seeing if they are correct. If they are, she cannot, dare not, arrest the progress of the ship; cannot, dare not, demand the payment of duties. The captain of a revenue cutter has no power to collect duties; no right to detain the vessel; no right to obstruct commerce; no right to do any other act than that authorized by the law—which is, simply to inspect her papers. The suggestion, therefore, of the Senator from New York, that these ports of the United States are to be blockaded by the Navy at the discretion of the President, under pretense of preventing smuggling, only shows how loosely even Senators talk about the powers and duties of the President. Prevent smuggling! To do that, he is going to stop the ship out at sea, on its way into the port, and collect duties! How will that correspond with the

rights of the importer to place his goods in warehouse, and keep them there during the time allowed by law, and reexport them without paying duties? Sir, such an act would be equivalent to abolishing the warehousing system. It is not necessary to argue the question. There is no law that authorizes it. To do the act, or attempt it, would be one of those high crimes and usurpations that would justly subject the President of the United States to impeachment.

But we are told that the President is going to enforce the laws in the seceded States. How? By calling out the militia and using the Army and Navy! These terms are used as freely and as flippantly as if we were in a military Government where martial law was the only rule of action, and the will of the monarch was the only law to the subject. Sir, the President cannot use the Army, or the Navy, or the militia, for any purpose not authorized by law; and then he must do it in the manner, and only in the manner, prescribed by law. What is that? If there be an insurrection in any State against the laws and authorities thereof, the President can use the military to put it down only when called upon by the State Legislature, if it be in session, or, if it cannot be convened, by the Governor. He cannot interfere except when requested. If, on the contrary, the insurrection be against the laws of the United States instead of a State, then the President can use the military only as a *posse comitatus* in aid of the marshal in such cases as are so extreme that judicial authority and the powers of the marshal cannot put down the obstruction. The military cannot be used in any case whatever except in aid of civil process to assist the marshal to execute a writ. I shall not quote the laws upon this subject; but if gentlemen will refer to the acts of 1795 and 1807, they will find that under the act of 1795 the militia only could be called out to aid in the enforcement of the laws when resisted to such an extent that the marshal could not overcome the obstruction. By the act of 1807, the President is authorized to use the Army and Navy to aid in enforcing the laws in all cases where it was before lawful to use the militia. Hence the military power, no matter whether Navy, regulars, volunteers, or militia, can be used only in aid of the civil authorities.

Now, sir, how are you going to create a case in one of these seceded States where the President would be authorized to call out the military? You must first procure a writ from the judge describing the crime; you must place that in the hands of the marshal, and he must meet such obstructions as render it impossible for him to execute it; and then, and not till then, can you call upon the military. Where is your judge in the seceded States? Where is your marshal? You have no civil authorities there, and the President, in his inaugural, tells you he does not intend to appoint any. He said he intended to use the power confided to him, to hold, occupy, and possess the forts, and collect the revenue; but beyond this he did not intend to go. You are told, therefore, in the inaugural, that he is going to appoint no judges, no marshals, no civil officers, in the seceded States, that can execute the law; and hence

we are told that he does not intend to use the Army, the Navy, or the militia, for any such purpose. Then, sir, what cause is there for apprehension that the President of the United States is going to pursue a war policy, unless he shall call Congress for the purpose of conferring the power and providing the means? I presume no Senator will pretend that he has any authority under the existing law to do anything in the premises except what I have stated and in the manner I have stated. If I am mistaken in regard to these laws, I shall be obliged to any Senator who will correct me. I have examined them carefully, and I think I have stated them accurately; but if not, I should like to be corrected.

But it may be said that the President of the United States ought to have the power to collect the revenue on ship-board, to blockade the ports, to use the military to enforce the laws. I say, it may be said that he ought to have that power. Be that as it may, the President of the United States has not asked for that power. He knew that he did not possess it under the existing laws—for we are bound to presume that he is familiar with the laws which he took an oath to execute. We are bound to presume that he knew, when he spoke of collecting revenue, that he had no power to collect it on ship-board, or elsewhere than at the ports. We are bound to presume that, when he said he would use the power confided to him to hold, occupy, and possess the forts and other property of the United States, he knew he could not call out the militia for any such purpose under the existing law. We are bound to presume that he knew of this total absence of power on all these questions.

Then, sir, if he did know that he had no power to do any of these things, we must understand that he referred to the future action of Congress when he said he should execute the laws in all the States unless the "requisite means were withheld." That brings up the question whether we are going to withhold the means or not. I take it for granted that the means of making war on those States, either to collect revenue, or to regain possession of the forts, or to enforce the laws within their limits, will not be conferred by Congress; and I come to that conclusion from the fact that, while his political friends—the Republicans—have had the power to clothe him with these means for the last six weeks in both Houses of Congress; while they knew that he could not regain possession of the forts, custom-houses, arsenals, and other public property, without such additional power; while they knew that he could not collect the revenue without this additional authority; while they knew that he could not blockade the ports unless Congress gave express authority, yet they did not confer that power on him.

Mr. FESSENDEN. Will the Senator allow me to ask him if there was a single day in the last Congress when the Republicans had a majority in this Senate to the very last moment of it?

Mr. DOUGLAS. I repeat, they knew—

Mr. FESSENDEN. That I do not dispute; I am not raising a question on that; but the Senator said we had the power to do it. I ask him

whether there was a day during the last session of Congress when the Republicans were in the majority in this body?

Mr. DOUGLAS. I understand the question, and I choose to answer it in my own way. I say they knew they had the power to pass these measures in both Houses of Congress. They consulted and conversed about some of these measures; approached this side of the Chamber. They knew that they had the power to pass the bills, if they brought them in. But, sir, I believe they had even a majority for a considerable portion of the time, in consequence of the absence of Mr. PUGH, Mr. SAULSBURY, and perhaps other Senators on this side. But I am not going to allow the gentleman to evade this well-known truth by any such question. In addition to the absence of Mr. PUGH and Mr. SAULSBURY, it was well known that the two Senators from Texas would not vote against such measures.

Mr. COLLAMER. That was more than we knew.

Mr. DOUGLAS. Not more than you knew, because one of them certainly, if not both, told us so from his seat in the Senate.

But, Mr. President, let us look at this, if the excuse is going to be want of power. They got up a force bill in the House, and had the power to pass it any moment there, but postponed it from time to time until the President elect got here, and then it was put to sleep at once, strangled, and never allowed to see the light or breathe the breath of life. Why so? What is the inference? Why did they not pass it in the House, and send it up here? They sent to us a bill to authorize the Postmaster General to suspend the mails. There was no difficulty in passing it here. They talked about passing a law authorizing the abolition of the ports of entry. There was no difficulty in the passage of it. Why not propose them? The only inference is, that they did not want them. Did they not know that they had no such authority? Did not the chairman of the Committee of Ways and Means know that he could not collect revenue anywhere except at the port? Will the Senators upon that side of the Chamber tell us that they were ignorant of the state of the laws on these great questions? Will the chairman of the Committee on Military Affairs, with all his experience and ability and vigilance, tell us that he did not know of this absence of authority? Will the chairman of the Naval Committee, one of the oldest members of the body, who has served here for twelve or fifteen years on the committee, tell us that he did not know the President had no power to blockade ports of the United States without the authority of Congress? It will not do for that side of the Chamber, distinguished as it justly is for its great ability and learning, to plead that they did not know anything about the Government they were about to take possession of. They did know it; and knowing it, they did not put any bill on its passage, nor propose to do it.

But, sir, if it be their policy to use the war power to collect revenue, to blockade the ports and recapture these forts and to execute the laws of the United States in the confederate States, why

not say so? If it be the policy of Mr. Lincoln to carry out that line of conduct, why not allow him the opportunity of saying so? They know that I have thrust myself in between the secession movement of the South and the war construction of the President's message, to allay the apprehensions of the Union men of the southern States. I have taken this position as a Union man, as a friend of peace, from the conscientious conviction that I justly and correctly interpret the President's inaugural. If I do not interpret it correctly, if I am giving it a meaning he did not intend, why do they not allow this resolution to pass, and obtain an answer which will correct the error into which I have been led by the inaugural, if it be an error? Senators have no right to leave me under the conviction that I interpret the message correctly, and remain silent if I do not, and deprive me of the means of getting at the truth by the proper inquiry. Why this sensitiveness on the subject, if I do not interpret the President correctly? No Republican has yet ventured to deny the correctness of my interpretation. No Senator from that side has ventured to affirm that the President's policy is not peace. No one has ventured to assert that he means what is called the coercive policy; and I apprehend that no one of them is authorized to say so. No one being authorized to contradict me on these points, and no one being able to deny, from the language of the inaugural, that I put the correct interpretation upon it, I find no other response than silence. Why not let the people know what the policy is? The country now is overwhelmed with doubt and anxiety; business is suspended; public confidence is destroyed; commerce is disturbed; bankruptcy is staring your best merchants in the face. One word from the White House will save them from ruin; one word will gladden the heart of every patriot in the land. Let that word be spoken. It will be, if Senators allow this resolution to be passed. Let that word be spoken, and let that word be "peace," and there will be such a shout of joy resounding through this land as has not been witnessed since the acknowledgment of our independence. Why not allow it to be done?

Again: there are other reasons why it is important that the word should be spoken, that the policy should be known. There are elections pending for members of Congress in a large number of the States. The people have a right to know whether the policy is peace or war. They have a right to know whether they are to send members here in favor of peace or in favor of war. Is it dealing fairly with the people, to keep them in the dark on this question until the members of Congress are elected, and then to precipitate the country into war, without giving the people an opportunity to vote upon it?

The amendment proposed by the Senator from New Hampshire shows where the tender point is in regard to this resolution. He wishes to strike out so much as inquires whether there is any other motive or reason for holding on to the forts in the seceded States, (except Tortugas and Key West,) and recapturing the others, than a purpose to reduce those States into subjection to our laws and our authority. We certainly cannot justify the

holding of forts there, much less the recapturing of those that have been taken, unless we intend to reduce those States themselves into subjection. I take it for granted no man will deny the proposition that whoever permanently holds Charleston and South Carolina is entitled to the possession of Fort Sumter. Whoever permanently holds Pensacola and Florida is entitled to the possession of Fort Pickens. Whoever holds the States in whose limits those forts are placed is entitled to the forts themselves, unless there is something peculiar in the location of some particular fort that makes it important for us to hold it for the general defense of the whole country, its commerce and interests, instead of being useful only for the defense of a particular city or locality.

It is true that Forts Taylor and Jefferson, at Key West and Tortugas, are so situated as to be essentially national, and therefore important to us without reference to our relations with the seceded States. Not so with Moultrie, Johnson, Castle Pinckney, and Sumter, in Charleston harbor; not so with Pulaski, on the Savannah river; not so with Morgan, and other forts in Alabama; not so with those other forts that were intended to guard the entrance of a particular harbor for local defense.

Mr. DOOLITTLE. Will the Senator allow me to ask a question? How is it with the forts at the mouth of the Mississippi river?

Mr. DOUGLAS. Well, sir, I will say that those do not form an exception to my remark, for this reason: we have no use for the forts at the mouth of the Mississippi river, if we allow the southern confederacy to hold the State of Louisiana and command both sides of the river. The forts at the mouth of the Mississippi are very essential to us, if we intend to conquer and reduce her people into subjection to our laws; but if we are going to give up so much of the river as lies within Louisiana; if we are going to allow Louisiana to exercise actual jurisdiction, what use is a fort to us, unless we reduce the State to obedience, and remove all conflicting authority? Hence I desire to know, whether the object of retaking these forts is to use them as a starting-point in an invasion for the conquest of the States in which they are situated? It is idle to evade this question, or attempt to evade it. It is no longer a question of enforcement of the laws, or of collection of revenue, or of taking care of public property; the question is, whether we are going to reduce the southern confederacy by military force into subjection to our laws? If so, I presume Senators are convinced, by this time, that that means war. We cannot deny that there is a southern confederacy, *de facto*, in existence, with its capital at Montgomery. We may regret it. I regret it most profoundly; but I cannot deny the truth of the fact, painful, mortifying as it is.

Mr. CLARK. Will the Senator allow me now to ask him a question at this point?

Mr. DOUGLAS. I shall not; for this reason: I see there is an attempt on that side of the House to catechise me, and not allow themselves to be interrogated. If they now will allow me to put questions to them, and will furnish frank answers, I will invite every one of them to interrogate me;

but if you will meet in caucus, and resolve to be silent, and prevent everybody else from talking, so far as you can, and, if you cannot prevent them, remain silent yourselves, for fear that, inasmuch as you are divided into compromising and uncompromising Republicans, into union and disunion Republicans, into war and peace Republicans, if one side speaks, the other will be compelled to speak in self-defense, and therefore you will keep silent yourselves while you chatechise me in respect to my opinions. [Laughter.] I am willing to have a free interchange of opinion, but I want reciprocity; and it is more important to get at the policy the majority are going to pursue, than it is to know what the minority are going to do.

Mr. FESSENDEN. Will the Senator allow me to ask him one question just there; and that is, whether, in what he has just stated, he means to intimate that anything of that sort had been done, or was contemplated to be done, on this side of the Chamber: meeting in caucus and resolving to be silent, and all that? Does he mean to intimate that, or is it his mere imagination?

Mr. DOUGLAS. I do not mean to intimate anything, and did not; but I will state very frankly that I have heard the report, and heard the time and place of the caucus mentioned so often that I believed it, and believe it yet, unless the Senator gives an unequivocal denial.

Mr. FESSENDEN. I will only tell the Senator that there is not one word of truth in it from beginning to end.

Mr. DOUGLAS. I am glad to hear it; but the report came from your side of the House.

Mr. FESSENDEN. I do not know where it came from.

Mr. DOUGLAS. At any rate, there is a very ominous silence over there—a silence when the country may be wrecked on a misapprehension as to the policy of the Administration. Now, sir, I repeat, that I desire to know from the Administration whether they mean peace or war; whether they mean to ask for military force adequate not only to hold the forts they have got, but to recapture those that have been lost, and to reduce to subjection and obedience all the people of all the States who have claimed, or shall claim, the right to secede; for it is folly to talk about the forts, unless we are going to do the other thing. It is morally wrong to collect revenue from a people that you do not protect. If you compel people to yield obedience to your laws, you must give them the protection of the laws. Hence the simple question is, whether, by military power, by the Army, the Navy, and the militia, we are going to subjugate those seceded States and hold them by military force in obedience to our laws until they so far change their inclinations as to obey them voluntarily? If this be the policy, I desire to know, and the country will demand to know, how large an army it will take. Rumor says that estimates are already made on that subject. I should like to know whether those rumors are correct. I should like to have that estimate before the country. I should like to know whether or not, in the estimation of the highest military authority in America, it would require thirty-five thousand men to protect the capital, and two hun-

dred and fifty thousand more for field operations, in order to reduce those States to obedience to our laws and our authority?

Gentlemen may laugh and talk in their seats about letter-writers. I saw them laugh the other day, when I told them that while Fort Sumter could have been relieved and reinforced a few weeks ago with a single ship of war, now it could not be done by your Navy, unless you had ten thousand land troops. When several of you rushed off to the commanding general of the Army to know whether the statement was correct or not, he is understood to have said it was right in all things except that my estimate was not big enough; it would take nearer twenty thousand than ten thousand land troops, besides the naval force. I saw the laugh and smile go over their countenances when I announced that on a given day Major Anderson had rations of bread and salt for thirty-one days, meat for forty-three days, and fuel for fifteen days, and no more. Unfortunately you have all learned to respect the figures. Now, I should like to have you adopt this resolution, and let us know whether the rumor be true that it will take two hundred and eighty-five thousand men to carry out the programme of reducing these States to subjection, and holding them in obedience to our laws. I do not say it will. I do not say that any such estimate has been made. I have no authority for saying it. Let us get at the facts. The truth cannot hurt anybody.

Then, sir, let us go a little further, and find out what the estimate is, or will be, for supporting this force in the field. I should like to know whether it is estimated that it will require \$1,000,000 for every regiment of nine hundred men in the field, and whether it will require \$316,000,000 to keep that number of men in the field for a single year. If this be the estimate, or if it shall approach these figures, I should then like to know where the money is coming from to supply those men in the field. You have just made a tariff; but I do not think you will get \$300,000,000 of revenue out of that. If you get \$50,000,000 you will be more fortunate than I think you will be. I have not consulted the late chairman of the Committee on Finance, [Mr. HUNTER,] whose opinion I would appreciate higher than any other man's on the subject; but I have no hesitation in expressing the conviction that you cannot devise a tariff by which you can raise \$100,000,000 per year. Where are the other \$200,000,000 coming from? Will you resort to direct taxation? Is it your purpose to rush this country blindly into war at a cost of \$300,000,000 per annum; to levy \$200,000,000 of direct taxes upon the people, and then call upon them to pay it because you have involved us in civil war? Sir, I expect to stand by my country under all circumstances; and hence I will save her, if I can, from being plunged into a civil war of indefinite duration, that will require a quarter of a million men and exorbitant taxation, levied on one half the American people, to subdue the other half: Remember, this extraordinary amount of revenue, these extraordinary numbers of men, are to be called for in eighteen States to fight fifteen; for it is useless to disguise the fact, that whenever you make the question one of peace or

war, the slaveholding States will be a unit, and it will be eighteen against fifteen. Are we prepared for civil war, with all its horrors and calamities? Let your policy be proclaimed to the world, and let the people determine the question. Silence is criminal when we are on the eve of events like these.

Mr. FESSENDEN. Eve of an election?

Mr. DOUGLAS. No, sir; not on the eve of an election, but of bloodshed and civil war. I have not concealed my opinions or objects; the Senator has concealed his. I therefore can justly say, if the pending elections control men's actions on this question, he dodges on the eve of an election: I proclaim boldly the policy of those with whom I act. We are for peace. There is no concealment on this side. If this equivocation, this concealment, is in consequence of being on the eve of an election, it applies only to the Republican side of the Chamber.

I repeat, it is time that the line of policy was adopted, and that the country knew it. In my opinion, we must choose, and that promptly, between one of three lines of policy:

1. The RESTORATION AND PRESERVATION OF THE Union by such amendments to the Constitution as will insure the domestic tranquillity, safety, and equality of all the States, and thus restore peace, unity, and fraternity, to the whole country.

Or, 2. A PEACEFUL DISSOLUTION of the Union, by recognizing the independence of such States as refuse to remain in the Union without such constitutional amendments, and the establishment of a liberal system of commercial and social intercourse with them by treaties of commerce and amity.

Or, 3. WAR, with a view to the subjugation and military occupation of those States which have seceded or may secede from the Union.

I repeat that, in my opinion, you must adopt and pursue one of these three lines of policy. The sooner you choose between them and proclaim your choice to the country, the better for you, the better for us, the better for every friend of liberty and constitutional government throughout the world. In my opinion, the first proposition is the best, and the last the worst. Why cannot we arrive at some amicable adjustment of the questions in dispute? The President of the United States has told us clearly and distinctly the causes which have produced these difficulties. I think he has stated them truly, frankly. He says these troubles all arise from the absence of an express provision of the Constitution defining the power of Congress over the question of slavery. If it be true, that the troubles arise from the absence of such a provision, it necessarily follows that the true remedy is the supplying of such a provision. Hence the President has marked out clearly the path to be pursued to arrive at an amicable solution. The exercise of doubtful power—power derived from inference and construction on the question of slavery—has led to these troubles. On that side of the Chamber there is a party that has stood for years pledged to the principle that Congress must prohibit slavery in all the Territories. In another quarter of the Union there is a party that stands pledged to the principle that Congress

must protect and maintain slavery in all the Territories. There is no express provision in the Constitution authorizing Congress to do either. The President tells us that the absence of such a provision is the cause of the trouble. Then let us adopt such an amendment to the Constitution as will clearly define the power of Congress over the slavery question, and thus put an end to the controversy.

I really cannot see what difficulty my Republican friends, if they will allow me to call them such, can have in meeting us on this question. They have already learned that lesson which every party passing from the minority to the majority must learn: that they are compelled to do in the majority a great many things which they condemned when out of power. For years, that party has aimed its shafts at my breast, because I denied the right and the policy of Congress prohibiting slavery in the Territories. For years, they have appealed to the people to support their claims to office, because they were in favor of the prohibition of slavery in the Territories by Congress, and denounced those of us who were in favor of non-intervention upon that subject as pro-slavery extensionists. Well, they have attained power by these appeals. They have come into office on the success of these appeals. No sooner had they elected their President than they discovered that they could not carry out their principles of congressional prohibition without destroying the country; and what did they do? I rejoice to be enabled to say that they acted like patriots. The enlarged statesmanship and broad patriotism displayed by the Republican Senators here, and the Republican Representatives in the other House, during the last session, in repudiating the whole doctrine of the Wilmot proviso, in abandoning the ground on which they had stood for years, and coming over to the Democratic doctrine of non-intervention, is worthy of all praise. In passing the territorial bills for Colorado, Dakota, and Nevada, on the principle of non-intervention and popular sovereignty, without the Wilmot proviso, shows that they have really abandoned their whole aggressive policy in the Territories. I do not refer to this in any spirit of unkindness or crimination. I do not do it as a taunt of inconsistency. I refer to it as an evidence of patriotism on their part for which all Union-loving men will give them due credit. I have always told them that they could never carry out their principles without destroying their country. They did not believe it then; but the moment they got into power, they discovered that I had been right, and they had been wrong the whole time they had been abusing and denouncing me. It required men of more than ordinary courage, more than ordinary magnanimity, more than ordinary devotion to country, to abandon their errors so promptly, and to come over and join their old adversary so quickly, and with such unanimity. I receive you kindly. [Laughter.] I welcome you upon the non-intervention platform. I forgive you all the acts of unkindness, all the insults and slanders that have been poured upon my devoted head, for this one act of self-sacrifice and devotion to the country, in abandoning the aggressive policy and

coming to the doctrine of non-intervention upon the subject of slavery in the Territories.

Having done this much, it seems to me there ought to be very little difficulty in our arriving at a fair and just compromise on this question. I believe this Union would be safe; that every State now in it would remain, and the cotton States would come back, if the Republican party would now consent to ingraft upon the Constitution the identical principle that they have unanimously voted for in both Houses of Congress in organizing the Territories of Colorado, Dakota, and Nevada, at the late session. If you never intend again to advocate the Wilmot proviso, if you do not intend any more to arouse the passions of the people in favor of congressional prohibition, all you have to do, in order to restore peace, is to agree to deprive yourself of the power to do that which you now say you do not intend to do, and which you have just refused to do. All the Territories are now organized. Every foot of territory we have got, except that dedicated to the Indians west of Arkansas, which could not be disturbed, is now organized on the principle of non-intervention.

A pretty large number on the other side of the Chamber stood with me politically in 1848, when this slavery agitation was first fairly inaugurated; beginning with the Presiding Officer, and every second man on the other side of the Chamber. They were all good Democrats in 1848, and many of them in 1852; many others as late as 1856; but they dropped off one by one, and went over to the common enemy, until they have left us in a small minority on this side of the Chamber. And upon what principle did they leave us—did they abandon the Democratic party—and go to the Republicans? On the simple proposition that we were for non-intervention and you were for congressional prohibition. Well, it has proved a good hobby to ride into office upon. You have rode into power upon it. We do not complain. You have since abandoned the principle and repudiated the means by which you attained power. We do not object to that. All we ask is, inasmuch as you have kicked over the ladder by which you ascended to your exalted position, and have now planted yourselves firmly upon the ground upon which we have stood from the beginning of the controversy, that you will not at the next election attempt to inflame the passions of the northern people upon the slavery question, by pretending to be in favor of congressional prohibition, while we Democrats are advocating non-intervention. You may succeed once in obtaining power on one set of principles and administering the Government upon another; but it is a dangerous experiment to attempt to play that game too often. The first time it may very properly be called patriotism, at least by courtesy; but the second may possibly be another name.

I must do justice to that side of the Chamber in citing another act of self-denial and of patriotism on their part. Last year, before the election, they hurried through the House of Representatives, by a strict party vote, a bill to repeal the slave code of New Mexico and to prohibit slavery therein. They manifested great zeal in try-

ing to get it up and pass it through this body; but we would not let them do it. They were exceedingly grieved because they could not at once pass the bill, and thereby rescue New Mexico from the evils and miseries of slavery; and many of them showed signs of deep distress that action on that subject should be postponed for another year. Well, sir, they went to the people, carried the election, and came back here. Very soon twelve Senators went out; and two others declining to vote on questions of this nature, the Republicans obtained the power to pass the bill repealing the slave code and prohibiting slavery in New Mexico; but not a word was said about it. It slept on the table, the sleep of death. Evidently they refrained from pushing that question to a vote, when they had the power to pass it, from considerations of patriotism. They did not deem it patriotic to increase the excitement and drive the border slaveholding States from the Union by carrying into effect the principles to which they stood pledged before the people. Here is another instance where patriotism has triumphed over partisan policy and party platforms! I honor them for it. But since experience has proved to you that you cannot administer the Government and preserve the Union on your policy of congressional interference, and since you have adopted the doctrine of non-intervention as to all the Territories we now possess, why not just embody that principle in the Constitution, denying the power of Congress over the subject of slavery everywhere in the future? Do this, and we shall have peace and harmony in the country. At all events, sir, I am in favor of such amendments to the Constitution as will take that question out of Congress, and restore peace to the country. That may be done by non-intervention—by popular sovereignty, as it is called; or by the Crittenden amendment, making an equitable partition of the territory between the two sections, with a self-executing clause prohibiting it on one side and protecting it on the other. It may be done on the basis of the peace commission. It may be done in various ways. I prefer such an amicable settlement to peaceable disunion; and I prefer it a thousand times to civil war. If we can adopt such amendments as will be satisfactory to Virginia, North Carolina, Tennessee, and the border States, the same plan of pacification which will satisfy them will create a Union party in the cotton States which will soon embrace a large majority of the people in those States, and bring them back of their own free will and accord; and thus restore, strengthen, and perpetuate the glorious old Union forever. I repeat, whatever guarantees will satisfy Maryland and the border States (the States now in the Union) will create a Union party in the seceded States that will bring them back by the voluntary action of their own people. You can restore and preserve the Union in that mode. You can do it in no other.

War is disunion. War is final, eternal separation. Hence, disguise it as you may, every Union man in America must advocate such amendments to the Constitution as will preserve peace and restore the Union; while every disunionist, whether openly or secretly plotting its destruc-



tion, is the advocate of peaceful secession, or of war, as the surest means of rendering reunion and reconstruction impossible. I have too much respect for any man that has standing enough to be elected a Senator, to believe that he is for war, as a means of preserving the Union. I have too much respect for his intellect to believe, for one moment, that there is a man for war who is not a disunionist *per se*. Hence I do not mean, if I can prevent it, that the enemies of the Union—men plotting to destroy it—shall drag this country into war, under the pretext of protecting the public property, and enforcing the laws, and collecting revenue, when their object is disunion, and war the means of accomplishing a cherished purpose.

The disunionists, therefore, are divided into two classes: the one open, the other secret disunionists. The one is in favor of peaceful secession and a recognition of independence; the other is in favor of war, as the surest means of accomplishing the object, and of making the separation final and eternal. I am a Union man, and hence against war; but if the Union must be temporarily broken by revolution, and the establishment of a *de facto* government by some of the States, let no act be done that will prevent restoration and future preservation. Peace is the only policy that can lead to that result.

But we are told, and we hear it repeated everywhere, that we must find out whether we have got a Government. "Have we a Government?" is the question; and we are told we must test that question by using the military power to put down all discontented spirits. Sir, this question, "have we a Government?" has been propounded by every tyrant who has tried to keep his feet on the necks of the people since the world began. When the Barons demanded *Magna Charta* from King John at Runnymede, he exclaimed, "have we a government?" and called for his army to put down the discontented barons. When Charles I attempted to collect the ship money in violation of the constitution of England, and in disregard of the rights of the people, and was resisted by them, he exclaimed, "have we a government? We cannot treat with rebels; put down the traitors; we must show that we have a government." When James II was driven from the throne of England for trampling on the liberties of the people, he called for his army, and exclaimed, "let us show that we have a government!" When George III called upon his army to put down the rebellion in America, Lord North cried lustily, "no compromise with traitors; let us demonstrate that we have a government." When, in 1848, the people rose upon their tyrants all over Europe and demanded guarantees for their rights, every crowned head exclaimed, "have we a government?" and appealed to the army to vindicate their authority and to enforce the law.

Sir, the history of the world does not fail to condemn the folly, weakness, and wickedness of that Government which drew its sword upon its own people when they demanded guarantees for their rights. This cry, that we must have a Government, is merely following the example of the besotted Bourbon, who never learned anything by misfortune, never forgave an injury, never forgot

an affront. Must we demonstrate that we have got a Government, and coerce obedience without reference to the justice or injustice of the complaints? Sir, whenever ten million people proclaim to you, with one unanimous voice, that they apprehend their rights, their firesides, and their family altars are in danger, it becomes a wise Government to listen to the appeal, and to remove the apprehension. History does not record an example where any human government has been strong enough to crush ten million people into subjection when they believed their rights and liberties were imperiled, without first converting the government itself into a despotism, and destroying the last vestige of freedom.

The people of the South believe they are in danger. They believe that you meditate an invasion of their constitutional rights. They believe that you intend to stir up servile insurrection, and stimulate their slaves to cut the throats of their masters, and their wives and children. Believing this, they will act upon that belief, unless you will remove all cause of apprehension. If this apprehension be ill founded, if there is no cause for it, you are bound to remove it. If it be well founded, you have no right to refuse to redress their grievances.

Then, in either event, it is our duty to adopt such amendments to the Constitution as will insure the domestic tranquility, safety, and equality of all the States of the Union. Do that, and the Union will be restored and preserved to future generations. Unless you do it, disunion is inevitable; whether peaceably or by civil war, God only can tell. The true way to prove that we have a Government, is promptly to redress all grievances and to quiet all apprehensions. In this country, our Constitution has provided the mode for doing this. The clause which authorizes the amendment of the Constitution was inserted for the express purpose of enabling the people to do quietly and peacefully that which in other countries can be done only by revolution and blood. Let us take warning from the examples of the past. Wherever a Government has refused to listen to the complaints of their people, and have attempted to put down their murmurs by the bayonet, they have paid the penalty. Of all those who listened to the people in 1848, and granted charters of liberty, and took an oath to support them, only one has been faithful; and that one has been rewarded for his fidelity, and the others will pay the penalty of their perfidy. The King of Sardinia granted a constitution, took an oath to support it, and never violated his oath, and to-day he is King of Italy. If George III had listened to the murmurs of our fathers, and granted their just demands, the war of the Revolution would have been averted, and the blood that was spilled would have been saved.

If we consider this question calmly, and make such amendments as will convince the people of the southern States that they are safe and secure in their persons, in their property, and in their family relations, within the Union, we can restore and preserve it. If we cannot satisfy the people of the border States that they may remain in the Union with safety, dissolution is inevitable. Then

the simple question comes back, what shall be the policy of the Union men of this country? Shall it be peace, or shall it be war? The President of the United States holds the destiny of this country in his hands. I believe he means peace, and war will be averted, unless he is overruled by the disunion portion of his party. We all know the irrepressible conflict is going on in their camp; even debating whether Fort Sumter shall be surrendered when it is impossible to hold it; whether Major Anderson shall not be kept there until he starves to death, or applies the torch with his own hand to the match that blows him and his little garrison into eternity, for fear that somebody of the Republican party might say you had backed down. What man in all America, with a heart in his bosom, who knows the facts connected with Fort Sumter, can hesitate in saying that duty, honor, patriotism, humanity, require that Anderson and his gallant band should be instantly withdrawn? Sir, I am not afraid to say so. I would scorn to take a party advantage or manufacture partisan capital out of an act of patriotism.

Then, throw aside this petty squabble about how you are to get along with your pledges before election; meet the issues as they are presented; do what duty, honor, and patriotism require, and appeal to the people to sustain you. Peace is the only policy that can save the country or save your party. Let peace be proclaimed as the policy, and you will find that a thrill of joy will animate the heart of every patriot in the land; confidence will be restored; business will be revived; joy will gladden every heart; bonfires will blaze upon the hill-tops and in the valleys, and the church bells will proclaim the glad tidings in every city, town, and village in America, and the applause of a grateful people will greet you everywhere. Proclaim the policy of war, and there will be gloom and sadness and despair pictured upon the face of every patriot in the land. A war of kindred, family, and friends; father against son, mother against daughter, brother against brother, to subjugate one half of this country into obedience to the other half: if you do not mean this, if you mean peace, let this resolution be adopted, and give the President the opportunity, through the Secretary of War, to speak the word "peace;" and thirty million people will bless him with their prayers, and honor him with their shouts of joy.

MONDAY, March 25.

Mr. DOUGLAS, in reply to Mr. Howe, said: Mr. PRESIDENT: I have been forcibly struck with the peculiar reasons which the Senator from Wisconsin has assigned for opposing the resolution which I offered. First, he thinks it unnecessary to adopt it, because I seem to possess all the information expected to be elicited by it, and therefore it is unnecessary for other Senators to possess it; secondly, he objects to its adoption, because he does not think the War Department possesses the information; third, he thinks it unnecessary to adopt it, because the late Administration, being in possession of the information, imparted it all to the secessionists in the confed-

erate States privately; and fourth, that since the secessionists possess it, it is not prudent for us to let our own people have it. Those are the four reasons why the resolution ought not to be adopted. They are so consistent and harmonious that I shall not attempt to resist the force of them.

Mr. HOWE. If the Senator would prefer to reply to those reasons, I am quite willing he should; but I will state to him in justice, that he is entirely mistaken in the reasons which I gave, the last two especially.

Mr. DOUGLAS. I listened to the Senator attentively, and looked over the report, as full as I could find it in the newspapers, and found it sustained that construction.

If the War Department does not possess the information, certainly there would be no harm in adopting the resolution and getting that answer. If this information has been imparted to the confederate States, and the enemy are in possession of it, there certainly can be no harm in letting our people have it.

But, sir, I apprehend it would tend to allay the public excitement to have this information attested so that it would appear that there was but one fort within the limits of the confederate States now in the possession of the United States. Of course, I except Fort Sumter, inasmuch as I understand the order has been given for surrendering it up. There is but one where a collision could take place. I apprehend that Fort Pickens is the only one within the limits of the confederate States in the possession of the United States. If there is any other, I should like to know it. It may be supposed, perhaps, that Key West and Tortugas, or Forts Taylor and Jefferson, as they are called in the War Department, are within the limits of the confederate States; but that is entirely a mistake. The confederate States, being a revolutionary government, hold whatever they actually occupy, and no more. Revolution takes nothing by implication; and inasmuch as the confederate States have never been in possession of Key West or Tortugas, it cannot be said that those places are within the limits of the confederate States under their revolutionary government. Besides, those two places are national fortifications, built for general defense—fortifications in which the commerce of Maine has a thousand fold more interest than that of Florida. Those are places that we should hold under all circumstances, whether the cotton States should be restored to us, or whether they shall be permanently separated from us.

I desired to find out whether the policy is to be peace or war. I believe it to be peace. Others dissent from that view of the inaugural. The Senator from Wisconsin has just called upon me to assure the southern States that it was not the purpose of the Republican Administration to invade the rights or make war upon the people of the South. That Senator forgets that when I put that construction upon the President's inaugural, I was told from that side of the Chamber that I was officiously construing the inaugural, and now he implores me again to do that for which I was rebuked when I did it. I apprehend the Senator will find that the construction I put upon the in-

augural was the true one, and the policy which I have indicated in the remarks that I have made is the one which will be pursued, whether it was originally designed or not. I have had occasion to remark heretofore, that when minorities become majorities they often find it necessary to pursue a policy which they were in the habit of condemning before they assumed the responsibilities of power; and I trust that those who are now at the head of the Government are going to show themselves equal to the emergency, and do whatever the peace and safety and unity of this Government require, regardless of what they thought they would do when canvassing for votes previous to the election.

The Senator does not like the arguments by which I have enforced my views in this discussion. He objects to my arguments because, he says, they tend to belittle the Government and people of the United States. How? Do I belittle the Government by telling the people that the President has no constitutional or legal authority to do a thing which the Constitution and laws forbid? Does he controvert the truth or the accuracy of any fact or any principle of law that I asserted? What was it I said, and demonstrated, that this Administration had no power to do? First, that they had no power to collect revenue anywhere else than at the places designated by law; and hence their threat that they were going to collect revenue on shipboard, was a threat to violate the laws of the land. Second, that under the Constitution and laws, no Administration has any power to blockade the ports of this country; and hence the threat to blockade the southern ports was a threat to violate the Constitution and laws of the land. Third, that the President cannot rightfully use the military force to execute the law, except in aid of the civil authorities; and hence the threat to do it without such legal authority was a threat to violate the Constitution and law. Demonstrating these three propositions, the Senator thinks is belittling the Government and people of the United States! Is it wise to make our people believe that the President has lawful authority to do that which the Constitution and laws forbid? Is it wise to delude them into the belief that the party just assuming power is going to do that which the Constitution does not permit? Is it belittling this Government to say that the administrators of this Government have no right to violate the Constitution and laws of the country? Sir, our boast is, that we live under a Government of laws; that the President and all in authority under him are authorized to do that which the law provides, and nothing more. When gentlemen are holding out the idea to the country that they are going to collect revenue and blockade ports and use military force without authority of law and in violation of law, they are only proclaiming that their President is going to perjure himself, and violate the oath he took to faithfully execute the laws.

Mr. HOWE. With the Senator's permission, I will call his attention to the point of objection I urged. It was, not that he pointed out those legal embarrassments, but that he did not recognize the fact that the Government must have, and

ought to have, revenues from all its ports and all its commerce; and that, instead of summoning the people, or the representatives of the people, to provide the necessary means for getting it, he summoned the Government to abandon the revenue.

Mr. DOUGLAS. Mr. President, I tried during the last session of Congress, when that side of the House were rushing through a tariff bill that will destroy the revenues, to arrest its progress by showing them that they were going to deprive the Government of means. They would not listen to the warnings that were given them. They have rushed through that tariff bill, and now find themselves without capacity to collect the revenue under it, and object because I point out the defects in the law. It was necessary to point out the defects in order to turn the attention of the country to the fact that legislation is necessary in order to have revenue. I shall regret it much if it turns out to be so; but I apprehend we shall have to be assembled in extra session in a few months to undo on the subject of revenue what has just been so recklessly and unwisely done.

But the Senator says that my pointing out their inability, without violating the Constitution and the laws, to do what their party leaders profess they are going to do, reminds him of the Tories of the Revolution. He will not say that I am a Tory, but he says my speech reminds him of them. Well, sir, a man may be reminded of the Tories by his antagonism to them, or by his own identity with them. I do not choose to say which category the Senator from Wisconsin is in. I have not the slightest apprehension that the people of the United States will regard me as an enemy of my country. I shall go into no defense of my patriotism or my devotion to the country; nor shall I take any exception to that line of argument, which dealt rather in insinuations than direct assertions; for it seems impossible for Senators on that side of the Chamber to make a speech without impugning my motives or assailing my character. It has become a matter of habit with them, here and elsewhere; and I suppose if I should die, I would have the longest list of mourners that ever graced a funeral *cortège* in this country, because there would be so many politicians deprived of the material out of which they manufacture their speeches. [Laughter.]

The Senator has read the three propositions which I laid down in my speech of the other day, and then stated that of the three, I said the first was the best and the last was the worst. After reading them, he tells us that, in his opinion, the first is the worst, but he will not say which of the other two is best. I will read them again, in order that the Senate may understand which line of policy, in his opinion, is the worst that can be pursued. The first is:

"1. THE RESTORATION AND PRESERVATION OF THE Union by such amendments to the Constitution as will insure the domestic tranquillity, safety, and equality of all the States, and thus restore peace, unity, and fraternity, to the whole country."

That is the worst proposition that could be laid down, the worst line of policy that could be pursued, in the estimation of that Senator. What is it?

"Such amendments to the Constitution as will insure

the domestic tranquillity, safety, and equality of all the States, and thus restore peace, unity, and fraternity, to the whole country."

Is the Senator from Wisconsin opposed to insuring their domestic tranquillity? Is he opposed to insuring their safety? Is he opposed to insuring their equality? Is he opposed to restoring peace, unity, and fraternity to the whole country? Is that line of policy which will accomplish those objects the worst that could be pursued? The Senator from Wisconsin thinks it is. On this, he and I are at issue. As to the other two propositions, he says he is so much in doubt that he will not say which he prefers. I will read the other two as the alternative propositions:

"2. A PEACEFUL DISSOLUTION OF THE UNION, by recognizing the independence of such States as refuse to remain in the Union without such constitutional amendments, and the establishment of a liberal system of commercial and social intercourse with them by treaties of commerce and amity.

Or,

"3. WAR, with a view to the subjugation and military occupation of those States which have seceded or may secede from the Union."

The Senator is unable to tell us whether he prefers a dissolution of the Union by peace, or whether he prefers it by war; but he prefers either to such amendments to the Constitution as will insure the domestic tranquillity, safety, and equality of all the States. I am aware, sir, that there are men high in authority, and distinguished for many qualities, in the northern country, who really believe that this Union ought to be dissolved; some by peace, some by war. Those who wish to make the dissolution perpetual and eternal, would like to have it baptized in blood, so that there never could be a restoration. Sir, I do not wish to argue with those persons who prefer a dissolution of the Union, either peaceably or by war, to such amendments of the Constitution as will insure the domestic tranquillity, safety, and equality of all the States, and thus restore fraternity. It is a question of union or disunion. That question, in my mind, involves peace or war. In my opinion, all men who are opposed to amendments of the Constitution are looking to a dissolution of the Union, either as a necessity that cannot be avoided, or as a thing that is desirable in itself.

Mr. CLARK. Will the Senator suffer me to interrupt him at this point?

Mr. DOUGLAS. Certainly.

Mr. CLARK. I have heard him several times say that Senators on this side are in favor of a dissolution of this Union. I understand him now to say that he judges all those who oppose amendments to the Constitution to be in favor of disunion. I am one of those who choose to stand by the Constitution as it is; and I desire to declare to that Senator that I believe it to be a better and truer way to preserve this Union, to stand upon the Constitution as it is, than to attempt any such compromise as he contemplates.

Mr. DOUGLAS. I have no doubt the Senator entertains that opinion. I have no doubt he will stand by that position, even if a dissolution of the Union is the inevitable consequence. I have no

doubt he would prefer war to amendments of the Constitution.

Mr. CLARK. If the Senator will allow me, I cannot permit that to go in the broad length in which he states it. I could judge of the amendments when they were proposed; but I say to him here, that I should deprecate civil war as earnestly and deeply as he does.

Mr. DOUGLAS. No doubt of that; but yet when the question is war or amendments to the Constitution, I understand him to be against all compromises. He deprecates war; it is a great calamity; he knows it; he feels it; yet that is better, in his estimation, than such compromises as will restore and insure the domestic tranquillity, safety, and equality of all the States.

Mr. CLARK. If the Senator will allow me again, because I do not mean to be misunderstood—

Mr. DOUGLAS. Certainly.

Mr. CLARK. I distinctly state now, and have said heretofore, that I believe we can stand upon the Constitution better than we can stand anywhere else, and avoid war by standing upon it. I believe, if the Senator will allow me, that the propositions that have been made in regard to compromises have demoralized the union feeling in the southern States; and if we had stood on the simple question of union or disunion in those States, we should stand better to-day than by standing on the question of compromise or disunion; because, failing to get a compromise, a great many of the compromise men may become disunionists.

Mr. DOUGLAS. I have no doubt the Senator has entertained the idle hope that, by the bayonet and threats of using it, they are going to reduce those States into obedience.

Mr. CLARK. Allow me to correct the Senator again. I have no such hope, nor have I ever made any such declaration. I have no idea of reducing those States.

Mr. DOUGLAS. Then I understand he has no expectation of enforcing the laws in those States. He has abandoned all purpose of enforcing the laws in them, I suppose.

Mr. CLARK. Not at all, if the Senator will allow me. I do not propose to go on with these interruptions in his speech if they are unpleasant to him. But I do believe that, with a conservative, judicious Administration, the time is coming, and not far distant, when the laws will be obeyed by the whole of the States of the Union, without the use of the bayonet or anything of the kind.

Mr. DOUGLAS. Still, Mr. President, nobody can deny the fact that seven States have seceded. Seven States have expelled the Federal authority from their limits. In seven States you have no human being recognizing your authority or willing to enforce your laws.

Mr. SIMMONS. Will the Senator allow me to ask him—

Mr. CLARK. One moment.

Mr. DOUGLAS. One at a time, if you please. [Laughter.]

Mr. CLARK. I want to inquire of the Senator from Illinois if the Post Office Department

does not run its mails in every one of those States yet?

Mr. DOUGLAS. Mr. President, I believe the Post Office Department runs its mails in the seceded States by the leave and permission of those States; by their authority. They open your letters; and you cannot punish the man for opening them; and you do not try it. Knowing you could not, you applied to Congress for authority on behalf of the Postmaster General, to suspend carrying the mails in certain cases, where they could not be suspended without such authority. But here is the point: the Senator from New Hampshire is opposed to using military force to execute the laws in those States; hence he does not propose to enforce any laws in South Carolina, or any of the States which have seceded, so long as the people are against it; but he does intend to enforce them when the people come back. I think there will not be much difference between him and me on that point. We cannot enforce our laws in a country not in our possession. We cannot enforce our laws within a State where we have no judge to issue a writ, no marshal to serve it, no district attorney to prosecute it, and no jury that owes allegiance to this Government to try the case.

Mr. CLARK. If the Senator will allow me once more to interrupt him, I will ask him, suppose Congress gives the President the power to collect the revenue on shipboard: can it not be done? Could not the law be enforced as to the revenue?

Mr. DOUGLAS. I suppose if Congress should give power to the President to collect revenue on shipboard, he then would have the power to do it; that is, legally; but I am talking about the laws as they are. Now, we have got the admission that they do not expect to collect any revenue on shipboard until the law is changed. A great many persons thought otherwise when I announced it the other day.

Mr. CLARK. I desire the Senator not to take the admission as including anybody else but me. I simply put the question to him about a policy of which I know nothing, and as a matter which occurred to my own mind.

Mr. DOUGLAS. I only take the admission as to the Senator himself; but, as the admission was so clearly true, I thought it was no offense to gentlemen on that side of the Chamber to include them in it.

Mr. CLARK. It is not to me. Ask their permission as to them.

Mr. DOUGLAS. I suppose they will take no offense at my attributing the truth to them; inasmuch as they have told the country they were going to collect the revenue the moment Mr. Lincoln was inaugurated. They were going to find out whether we had a Government or not; the collection of the revenue was to be the test. The President said he was going to collect the revenue to the extent of the powers confided to him. Yes, they all said, "Now, that means that the revenue is going to be collected on shipboard." I rose, and told them, "No, that is not what Mr. Lincoln means. Mr. Lincoln is a lawyer; he knows

that he cannot collect revenue, except in the cases and places where the law permits him; and Mr. Lincoln is not going to violate the law or his oath." They said, on that side of the Chamber, it was very impertinent for me to pretend to interpret Mr. Lincoln's policy, when I said he did not intend to violate the law. I had done it, they said, unasked, uninvited, and they did not recognize my leadership at all; but now the Senator from New Hampshire is convinced that revenue is not to be collected on shipboard until Congress gives the power.

Mr. CLARK. Mr. President, I do not suppose the Senator means to be understood, though I do not know whether he does or not, that anybody on this side of the Chamber, any Senator here, said that, immediately upon Mr. Lincoln's inauguration, we were going to collect the revenue on shipboard. Does the Senator mean to be understood that anybody said it on this side?

Mr. DOUGLAS. Mr. President, the statement has been made very generally, that they were going to collect the revenue on shipboard when Mr. Lincoln came into office.

Mr. CLARK. Does the Senator mean that Senators here have made that statement?

Mr. DOUGLAS. I do not choose to go into controversy with individual Senators.

Mr. CLARK. Very well, then; we will understand you do not so mean.

Mr. DOUGLAS. My object was to negative the pretense that they were going to collect the revenue on shipboard without a change of the law. They now say that they only meant that they were going to do it when the law should make it their duty to do it. I suppose they would; and not till then. Hence it does not depend on Mr. Lincoln whether revenue is to be collected on shipboard or not. It depends on Congress, when the members shall be elected, and they shall assemble and vote the measure. Not till then can it be done.

Mr. President, because I pointed out the inability under the law to do what they were pretending they were going to do, they were rebuked. It turns out I was right; they are not going to do it at all. It may be that Congress will assemble next December, or sooner, and make it the duty of Mr. Lincoln to collect the revenue on shipboard. If Congress says so, I suppose he will attempt it. It may be that Congress will at the same time make it his duty to blockade the ports. If Congress so provides, and makes it his duty, I presume he will do it. It may be that Congress will authorize him, and make it his duty, to use the military power to enforce the laws. If Congress makes it his duty, I suppose he will make the effort. Then it will become the policy of Congress, and not of the President and his administration. Mr. Lincoln did not mean any of these things in his inaugural. He did not mean to be understood as saying that he was going to do that which the law did not authorize him to do, and which it forbade his doing without the authority of Congress; and which Congress might never authorize to be done.

I now take great pleasure in giving the assurance which the Senator from Wisconsin so be-

seemingly implored me to give just at the close of his speech, that, in my opinion, this Administration does not intend to make war on the southern States—certainly so long as Congress withholds the means to do it. I think, therefore, that those States are entirely safe and secure in their rights of person and property under the Constitution and laws, and that the Administration will not invade those rights, and do not intend to do so. Nor do I think they intend, when Congress assembles, to recommend a war policy. If they follow the policy indicated by the Senator from New Hampshire, there can be no war, for he thinks that the laws should be enforced in the States which have seceded so soon as they, by the votes of a majority of their people, shall determine to come back into the Union. The inference is, that he is not going to enforce the laws until that happens; and if they never come back, he will never enforce the laws. If they do come back, then there will be no objection to enforcing the laws. So I suppose we are to understand that when gentlemen talk so much about enforcing the laws, they mean that if the southern confederacy shall dissolve, and each of the States shall resume its position in this Union under the Constitution, and send Senators and Representatives here to help us pass laws, then they will enforce them in those States for the protection of the people. If that is what is meant by the enforcement of the laws, I think there will not be much controversy upon that subject. If they are going to wait until that contingency shall happen, no friend of peace will complain of their line of policy. But if they are going to use military force to execute the laws in the States which have seceded, with the view of coercing obedience to this Government, that will lead directly to war. Why? We cannot enforce laws in a country that is not in our possession. We have been expelled from the possession of that country. The only possible mode by which we can enforce our laws there is, if they will not come back voluntarily, to send an army and reduce them to submission, and hold them by military occupation until they shall be willing to yield obedience, and thus enable us to enforce the laws on them. But since the war policy has been so generally disavowed by Senators on that side of the Chamber, and peace has been declared to be the policy of the Administration, it seems that I was not so far wrong when I incurred the displeasure of so many Senators on account of my interpretation of the inaugural. For it seems to be generally conceded now that no revenue is to be collected unless Congress makes it the duty of the President to do it; no ports are to be blockaded unless Congress makes it the duty of the President to blockade them; no military force is to be used unless Congress shall require it to be done, and provide the means; and that nothing is to be done that leads to war. That is a very good policy—a much wiser and better policy than I had expected or hoped for from a Republican Administration. I do not know that I should have made as great efforts to defeat them if I thought they would have acted with as much wisdom and patriotism.

Mr. CLARK. You did not defeat them.

Mr. DOUGLAS. No; nor would I have made as great efforts to defeat them.

Mr. CLARK. You did us no harm. [Laughter.]

Mr. DOUGLAS. If I did not defeat you, it was not my fault. I used my best effort to do it.

Mr. CLARK. You could not quite come it.

Mr. DOUGLAS. I could not quite come it, and you see the consequences. Seven States are out of the Union, civil war is impending over you, commerce is interrupted, confidence destroyed, the country going to pieces, just because I was unable to defeat you. No man in America believes these consequences would have resulted if I had been successful in my efforts to defeat you. You can boast that you have defeated me, but you have defeated your country with me. You can boast that you have triumphed over me, but you have triumphed over the unity of these States. Your triumph has brought disunion; and God only knows what consequences may grow out of it.

Mr. HOWE. Do I understand the Senator that it is the election of President Lincoln instead of some one of the other candidates, that has caused the dissolution of the Union?

Mr. DOUGLAS. The Senator from Wisconsin can understand me just as I say. If I had succeeded in defeating your party at the presidential election, thereby rendering it certain that the policy of that party was not to be carried into effect, the people of the southern States would have rested in security that they were safe, and the Union never would have been dissolved.

Mr. HOWE. What policy is that?

Mr. DOUGLAS. The policy of a sectional party, that makes war upon the institution of slavery as it exists in the States of the Union; and wishes to use the power of the Federal Government to cripple it wherever the Constitution, according to your construction, does not forbid.

Mr. HOWE. That is the very point upon which I want the Senator's testimony.

Mr. DOUGLAS. Well, you have got it.

Mr. HOWE. That the Republican party is not in favor of any sectional party. It is in favor of maintaining the authority of the whole people of the Union over all questions within their jurisdiction.

Mr. DOUGLAS. That, I suppose, depends upon what is meant by the words "sectional party." I presume there will be no controversy about the proposition that the Republican party rests upon the basis of hostility to the institution of slavery wherever it exists to the extent that the Constitution of the United States does not forbid your interference. Under that construction of the Constitution, you claim the right to prohibit slavery in all the Territories of the United States by act of Congress. Not only that, but you assert that Congress is clothed with the power and duty thus to prohibit, and that you are going to use the authority of this Federal Government to the extent of the powers conferred by the Constitution, according to your construction of it, to cripple, restrain, and destroy what you call the "slave power" in this country. That being your avowed policy, the southern States, when you triumphed

in the presidential election, came to the conclusion that you were in earnest; that you had not been proclaiming these principles to the northern people for the purpose of deceiving them into giving you support; and that you meant to do just what you pretended you would do. Hence they expected that the moment you got power, you would take up the bill of last year which you had passed through the House of Representatives, which was tying on the table of the Senate—to repeal the slave code of New Mexico, and abolish slavery in that Territory; but these southern people did you injustice in supposing you intended to do any such thing. The result proves that you did not intend to do it, and that the apprehensions of the southern people were not well founded. It seems that these professions of an intention to prohibit slavery in the Territories were made only for the purpose of getting northern votes. When you had accomplished your object, you abandoned all idea of passing the bill, if indeed you ever entertained it, for fear it might disturb the peace of the Union. Hence I thought the Senator from Kentucky [Mr. BRECKINRIDGE] did you great injustice the other day, when he said that you had not abated one iota from the platform of your party, or the creed of the Republican organization. I think that you have abated much. You have abandoned the aggressive policy of abolishing slavery in all the country south of the thirty-seventh parallel. You have made further sacrifices than that for the sake of peace and the Union. I give you credit for them. You have passed territorial bills organizing the Territories of Colorado, Nevada, Dakota, on the principle of—what? The Nebraska “villainy,” if I may be permitted to repeat the polite language of the Senator from Wisconsin. I never deemed myself at liberty to use the word in the Senate before; but, inasmuch as the Senator used it, and appealed to the Chair to know whether it was any violation of decorum, and silence gave consent, I suppose now I may be permitted to say that you organized all the Territories we now possess on the identical principle of the Nebraska villainy!

Mr. HOWE. Now really, Mr. President, let me assure the Senator that I did not cut that coat for him at all, nor for the Nebraska bill. I spoke of an act of the Government of the United States imposing slavery upon a Territory as a villainous act, and not the mere enactment of a law organizing a Territory and omitting to exclude slavery. I should not, out of deference to the Senator, have spoken of such an act as a villainous one.

Mr. DOUGLAS. I am very glad, Mr. President, to hear that explanation, and I take it in all sincerity. I thought the gentleman was a man of too much intelligence ever to have said or thought that the Nebraska bill was a villainy; and I did not expect to hear that from him, and I am very glad, therefore, to be corrected. I know that some politicians, for political effect, were in the habit of so representing it some years ago, in order to get votes, but I never supposed any of them believed it. The Senator, therefore, referred only to an act of the Federal Government to establish slavery in a Territory. I do not know what act of this Federal Government he refers to. I am

not aware that the Federal Government ever passed an act establishing slavery anywhere. I never heard of such a law. The Federal Government has passed acts to prohibit slavery in some places, but never to establish it, to maintain it, to protect it, or to keep it in any place. Hence the Senator was mistaken in using the word “villainy” in this connection, for it seems none had ever occurred. It was merely a *lapsus linguae*, and therefore, of course, the reporter will not keep it in the report.

It is true that in the beginning of this Government slavery was prohibited by law in the territory northwest of the Ohio river. That prohibition continued up to 1858, when Minnesota was admitted into the Union; that is, it continued within the limits of each Territory until it became a State. That prohibition of Congress never ceased until 1858. In 1820 Congress passed an act to prohibit slavery north of 36° 30' within the Louisiana purchase. This prohibition continued until it was virtually superseded by the compromise measures of 1850, and on the statute-book until removed in 1854 by the act called the Nebraska bill. In 1848, Congress passed an act prohibiting slavery in Oregon. That continued until 1859, when Oregon became a State. Hence, from the beginning of this Government down to 1859, slavery was prohibited by the Congress in some portion of the Territories of the United States. But now, for the first time in the history of this Government, there is no foot of ground in America where slavery is prohibited by act of Congress. You of the other side of the Chamber, by the unanimous vote of every Republican in this body and every Republican in the House of Representatives, have organized all the Territories of the United States on the principle of non-intervention by Congress with the question of slavery, leaving the people to do as they please, subject to the limitations of the Constitution. Hence I think the Senator from Kentucky fell into a grave error of fact, as well as of law, when he said the other day that you had not abated one jot of your creed; that you had not abandoned your aggressive policy in the Territories, and that you were now pursuing the policy of excluding the southern people from all the Territories of the United States. You have by unanimous vote this year declared in the most solemn form that such is no longer the policy of your party. The Senator from Kentucky was led into this error by reading the Chicago platform. He read the platform adopted before the election as evidence of what the party intended to do after election. That was a great mistake. The result proves that it was a mistake. What you may have said before the election was one thing. What you felt it your duty as patriots to do immediately after the election is a very different thing. After having secured the power, you went to work and organized all the Territories that we have now got, on the principle of non-intervention and popular sovereignty, according to the model of the compromise measures of 1850, and the Kansas-Nebraska bill of 1854, without prohibiting slavery anywhere. Hence we are bound to infer and forced to admit, as an act of simple justice, that you have aban-

doned your crusade against slavery in the Territories and have recognized the right of slaveholders to an equal participation in all the Territories of the United States. In fact, there never has been a time, since the Government was founded, when the right of slaveholders to emigrate to the Territories and carry with them their slaves, and hold them on an equal footing with all other property, was so fully and distinctly recognized in all the Territories as at this time, and that, too, by the unanimous vote of the Republican party in both Houses of Congress.

The Senator from Kentucky has told you that the southern States now in the Union will never be satisfied to remain in it unless they get terms that will give them either a right, in common with all the other States, to emigrate into the Territories, or that will secure to them their rights in the Territories on the principle of an equitable division. These are the only terms on which, as he says, those southern States now in the Union will consent to remain. I wish to call the attention of that distinguished Senator to the fact that, under the law, as it now stands, the South have all the rights which he claims. First, southern men have the right to emigrate into all the Territories, and carry their slave property with them, on an equality with the citizens of the other States; secondly, they have an equitable partition of the Territories assigned by law, all slave territory up to 37° instead of 36° 30', half a degree more than they claim. The Senator was mistaken, therefore, both in law and fact, in supposing that the South have been excluded. He will not say that the Kansas-Nebraska bill excluded the South, nor that the compromise measures of 1850 excluded them; nor can he say that the territorial bills passed this year exclude them; for they are all on the same basis, so far as the question of slavery in the Territories is concerned. The Senator from Kentucky, supposing that the Republicans had not yielded these points, gives us this emphatic warning:

"Whatever settlement may be made of other questions, this must be settled upon terms that will give them [the South] either a right, in common with others, to emigrate into all the territory, or will secure to them their rights on a principle of equitable division."

Now, under the laws as they stand, in every Territory of the United States, without any exception, a southern man can go with his slave property on equal terms with all other property. What are those terms? All persons and all property go into the Territories of the United States subject to the local law. Congress has nothing to do with the local legislation for the protection of persons and property in the Territories. All that Congress does is to organize the Territory, define the jurisdiction of the territorial government, allow the people to elect a Legislature, and make laws for the protection of persons and property. Congress has never yet passed a law to protect cattle, horses, or merchandise, in the Territories; Congress has never yet passed a law to protect slave property in a Territory; Congress has never passed a law to protect any kind of property whatever in a Territory. All that Congress has done is to say: "the legislative power of said Territory shall ex-

tend to all rightful subjects of legislation consistent with the Constitution of the United States," without excepting cattle, horses, merchandise, or any other kind of property, and without excepting persons—black or white, free or bond. Hence every man, either from the North or South, may go into the Territories with his property on terms of exact equality, subject to the local law; and slave property stands on an equal footing with all other kinds of property in the Territories of the United States. It now stands on an equal footing in all the Territories for the first time. I have shown you that, up to 1859, little more than a year ago, it was prohibited in part of the Territories. It is not prohibited anywhere now. For the first time, under Republican rule, the southern States have secured that equality of rights in the Territories for their slave property which they have been demanding so long.

Mr. WADE. We are very generous.

Mr. DOUGLAS. The Senator from Ohio says they are generous. I agree you are generous. You have acted both generously and magnanimously on this occasion. You have come forward and done for the South just what I have been urging you to do for twelve years; what you would not do when you were in a minority; what you abused me for doing when I was in the majority; what you are compelled to do yourselves, by a sense of justice, the moment you get in the majority. I submit, therefore, to the Senate and to the country, whether the southern States have not reason to rejoice in the liberal policy that is being extended to them by the Republicans, in the Territories. I rejoice at the establishment of this policy; although it is done by a party to which I am opposed. The only motive I had for desiring to be President, was to carry out this policy. You defeated me and then adopted the principle, and I am magnanimous enough to give you credit for patriotism in adopting it. I do not taunt you with this change. It is the highest evidence of your capacity to govern this country, that you have changed according to the necessity of the case. That man is not fit to rule a great people who boasts that he never changed an opinion or reversed his action. Wise statesmen always conform their action to the existing condition of things, and change it just as fast as the safety, the prosperity, the honor of their country require. I give you credit for having abandoned the doctrine of congressional prohibition. Ever since 1846, when the Wilmot proviso was offered in the other House by a gentleman now holding a seat on this floor, up to this day, there has been a struggle on the part of what are now called Republicans, to prohibit slavery in the Territories by act of Congress. During that whole time, the new Senator from Pennsylvania was leading the host, with his name as the symbol of the party creed. The Wilmot proviso was their shibboleth. It meant prohibition of slavery by Congress in all the Territories. He has triumphed after his labors of fourteen years in that cause, and he has arrived here just time enough to find that his own party, by a unanimous vote in the Senate, and a unanimous vote in the House of Representatives, have repudiated the Wilmot pro-



visto; have given up the distinctive feature of their policy; have rejected the corner-stone of the temple, and have all come over to non-intervention and popular sovereignty, which they so long professed to abhor, and I have no doubt very sincerely.

Mr. HOWE. Will the Senator allow me to ask why there is not peace, if we have adopted the peaceful policy?

Mr. DOUGLAS. Yes; I will tell you. It is just because you have not satisfied the people of the South that you have done so. It is on your statute-book; it is on the Journals; but the laws and Journals have not been published, and you gentlemen over there, from pride of opinion, refuse to acknowledge the truth, even after you have done the act; and a Senator on this side, taking it for granted that you had not done that which you would not admit that you had done, testifies that you have not abated an inch. Hence, by the joint testimony of both sides of the Chamber, the southern people are kept in the dark in regard to the fact that your Wilmot proviso is abandoned; that congressional prohibition is given up; that the aggressive policy is repudiated; and hereafter, the southern man and the northern man may move into the Territories with their property on terms of entire equality, without excepting slaves or any other kind of property.

What more do the southern States want? What more can any man demand? Non-intervention is all you asked. Will it be said the South required, in addition to this, laws of Congress to protect slavery in the Territories? That cannot be said; for only last May the Senate, by a nearly unanimous vote—a unanimous vote of the southern men, with one or two exceptions—declared that affirmative legislation was not needed at this time. Inasmuch, then, as no legislation by Congress for the protection of slavery is necessary; inasmuch as no occasion has ever arisen to render it necessary; and inasmuch as the prohibitive policy of the Republicans is abandoned, and non-intervention now established by law in all the Territories, without exception, what cause is there for further alarm in the southern States, so far as the Territories are concerned?

Mr. WILSON. Will the Senator give way for a motion to go into executive session, and finish his speech to-morrow?

Mr. DOUGLAS. I shall conclude in a very few minutes. I know that this is rather an infliction, but Senators must pardon me. I shall be through very soon.

I repeat, the South have got all they ever claimed in all the Territories; and hence the Senator from Kentucky will have an opportunity of saying to his people, when he returns, that after a struggle of fourteen years, from 1846, when the Wilmot proviso was first introduced by the Senator from Pennsylvania, down to 1861, they have at last, by a unanimous vote in both Houses, been able to organize every foot of territory the United States now possess, on the principle of non-intervention as affirmed in the compromise measures of 1850, and the Kansas-Nebraska bill of 1854. I know it will be a proud day when the Senator from Kentucky is enabled to say that to

the people of Kentucky. Being one of those who distinguished himself so much by his eloquence in defense of the Kansas-Nebraska bill as embodying the true principle, he cannot fail to rejoice when he finds Colorado, Nevada, and Dakota, including every foot of unorganized territory we now possess, organized on the identical principle, and in the identical language, so far as the power of the Territorial Legislature is concerned. There may be a question as to the construction of this bill, as there was in regard to the construction of the Nebraska bill, for the courts to decide; but those new Territories have been organized in the identical language of that bill, the identical language of the bill that Kentucky, and Virginia, and Tennessee, and North Carolina, and every southern State, have repeatedly indorsed. So far, therefore, as these States are concerned, they cannot complain. They have got all they claimed; and, as to the explanation our Republican friends will give to the northern people, I shall wait to see. If they acknowledge the truth frankly, I shall say they have proved themselves good patriots by preferring truth to policy, preferring right to political expediency; that so far as this question is concerned, by-gones are by-gones; and I will stand by them as long as they stand by the doctrine of the Nebraska bill.

Then, sir, according to law, the slaveholding States have got equality in the Territories. How is it in fact? The Senator from Kentucky tells us that the southern States must have one of two things: either the right to take into the Territories their slaves on terms of equality with other property, or, in lieu of that, an equitable partition of the Territories. I have shown that they have got the right in all the Territories. Now, I propose to show that they have got the actual equitable partition, giving them more than they were disposed to demand.

The Senator from Kentucky, now no longer here—I mean the illustrious Senator, (Mr. Crittenden,) whose eloquent voice closed his public life by an exhibition of patriotism that will cause every American heart to throb as long as our posterity may read his history—the Senator from Kentucky, Mr. Crittenden, introduced a proposition for an equitable partition. That proposition was, that north of 36° 30' slavery should be prohibited, and south of it should be protected by territorial law. Kentucky indorsed that proposition; Virginia, North Carolina, Tennessee—I believe every one of the slave States now remaining in the Union, except Maryland—indorsed the Crittenden proposition; and Maryland would have indorsed it, unquestionably, by a unanimous vote, if she had not been in that unfortunate predicament which the Senator from Kentucky [Mr. BRECKINRIDGE] called “voiceless.” But, sir, she was not voiceless. Her silence in yielding obedience to the Constitution and laws without a murmur of dissatisfaction or disloyalty, spoke trumpet-tongued. Maryland, if her voice could be heard, would indorse the Crittenden proposition. That proposed an equitable partition of the territory on the line of 36° 30'—prohibiting slavery north, and protecting it south, by the local Legislature. What is now the case? It is

true the Crittenden proposition has not yet, become part of the Constitution; but it is also true that an equitable partition has been made by the vote of the people themselves, establishing, maintaining, and protecting slavery in every inch of territory south of the thirty-seventh parallel, giving to the South half a degree more than the Crittenden proposition. There stands your slave code in New Mexico protecting slavery up to the thirty-seventh degree as effectually as laws can be made to protect it. There it stands, the law of the land. Therefore, the South has all below the thirty-seventh parallel, while Congress has not prohibited slavery even north of it.

Then, sir, I repeat, if these southern States, Kentucky included, are satisfied with an equitable partition on the line of  $36^{\circ} 30'$ , protecting slavery south of it, they have got it, and more too. If they are satisfied with a right to go into all the Territories, and take slaves on an equal footing with other property, they have that. Instead, therefore, of not having either of the terms prescribed by the Senator from Kentucky, [Mr. BRECKINRIDGE,] the southern States have them both. What cause of complaint is there? In view of these facts, I shall expect the Senator from Kentucky to go back to his native State, and in that brilliant language of oratory, which I cannot rival, from every hill-top and in every valley, and upon every smiling plain, rejoice that old Kentucky has at last got "justice and equality" in the Territories of the Union. So far as legislation is concerned, the southern States have got all they ever asked. The Republicans have granted it. I will not say that it has been extorted, for I think they made the concession for the sake of peace and of union. If they did, they should be sustained by their constituents for so doing.

What more, then, is demanded? Simply that a constitutional amendment shall be adopted, affirming—what? Precisely whatever Republican, in both Houses of Congress, has voted for within a month. Just do by constitutional amendment what you have voted in the Senate and House of Representatives; that is all. You are not even required to do that, but merely to vote for a proposition submitting the question to the people of the States whether they will make a constitutional amendment affirming the equitable partition of the Territories, which the people have already made there. Why not? If it was right for you to sustain it in the Senate, why is it not right for you to permit the people to confirm it? If you made no unworthy concessions in retaining it upon the statute-book, certainly you ought to allow them to ratify your act.

You may ask, why does the South want us to do it by constitutional amendment, when we have just done it voluntarily by law? The President of the United States, in his inaugural, has told you the reason. He has informed you that all of these troubles grow out of the absence of a constitutional provision defining the power of Congress over the subject of slavery. Hence he recommends a national convention for the purpose of supplying such a provision in the Constitution. Therefore, inasmuch as the President of the United States is in favor of constitutional amendment

and recommends a national convention for that purpose, I trust the Senator from Wisconsin will pardon me for saying that I am in favor of constitutional amendment, too. He thinks the Constitution good enough as it is, and wants no amendment. Mr. Lincoln does not agree with him. He thinks that the trouble has arisen from the absence of such a constitutional provision, and suggests a national convention to enable the people to supply the defect, leaving the people to say, instead of dictating to them, what it shall be.

Now, inasmuch as we are to have a national convention to supply this acknowledged defect in the Constitution, I have got a compromise to propose to the Senators on that side of the Chamber, and it is this: that that constitutional amendment, so far as slavery in the Territories is concerned, shall legalize and confirm forever the exact equitable partition that now exists by law in the Territories, and which you have sanctioned this year by your votes. Is not that fair? Go for such a constitutional provision, affirming what you have done, either by your positive action or by non-action; confirm the principle of the Colorado bill, the Nevada bill, the Dakota bill, the Nebraska bill, the compromise measures of 1850, and there is an end of the controversy. You all voted it in the Senate. Now allow the people to vote it into the Constitution. Why not? You ought to allow the people to ratify and confirm what you have done. It will be complimentary to you; it will be a proud indorsement of your patriotism, if, after you had the boldness to lead off and establish this great principle in all the territory we now possess, the people come forward with plaudits, with a unanimous voice, and confirm what you have done.

I trust, therefore, that we may assure Virginia, North Carolina, Tennessee, Kentucky, Arkansas, Missouri, and Maryland, that they have obtained equality in the Territories; not only equality by law, but an equitable partition in fact; that they have not only got the legal right, but got the actual substance, the enjoyment in fact of one half degree more territory than they claimed. This has been done by the acquiescence in part and in part by the affirmative votes of the Republican party. I give them credit for it, and I ask these slaveholding States to do the Republicans the justice to believe that they will stand by the principle of the Colorado bill, at least until Congress meets, and they show the contrary. I do not believe that they are ever going to depart from that principle hereafter. They have seen that a departure from it could not be made with safety to this Union; and hence, rather than break it up, they have made this concession. I know it was a bitter pill for some; others did it cheerfully; but it is done; and now let us close this drama, and, by a unanimous vote, incorporate that principle into the Constitution, and make it perpetual; and then you will have insured the domestic tranquility, the equality, and the safety of all the States, and have restored peace, unity, and fraternity to the whole country.

Mr. WADE. I do not want to occupy time; but at the end of the peculiar and remarkable speech of the Senator from Illinois, I wish to ask him one question. Inasmuch as he has cam-

mented so much at large on the territorial bills of last session, I desire to know why it was that he moved a reconsideration of those bills, in order to substitute a new bill for them, if they were exactly upon his principle?

Mr. DOUGLAS. Mr. President, I moved the reconsideration for two reasons: first, because, while the principles of the bills, so far as the doctrine of non-intervention and popular sovereignty was concerned, were in the identical language of the Kansas-Nebraska bill, there had yet been a change in the judiciary clause that I did not like; and, second, because I was prepared to take a step in advance, and allow the people to elect their own officers. It is true, I was prepared to take an advance step just as the Republican party caught up and trod on my heels; but that does not show that they had not caught up with me. But, so far as the doctrine of popular sovereignty and non-intervention is concerned, the Colorado bill, the Nevada bill, and the Dakota bill, are identically the same with the Kansas-Nebraska bill, and in its precise language. I hope the Senator is answered.

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TUESDAY, March 26.

Mr. DOUGLAS, in reply to Mr. BRECKINRIDGE, said:

Mr. PRESIDENT: I shall trespass on the patience of the Senate but a very few moments. It certainly was not my purpose, in the remarks I made yesterday, to say anything which the Senator from Kentucky could by possibility have construed as an attack upon him, or an arraignment of the propriety of his conduct. During the last days of the late session, in reply to the Senator from Virginia, [Mr. MASON,] who seemed to think it was the duty of the slaveholding States now in the Union to take their departure immediately, because the South had been excluded from all participation in the Territories of the United States, I felt it my duty, by presentation of historical facts, to show, as I did then show, that the present Territories of the United States are all organized on the basis that citizens of each State may move into them with their property of every kind, without excepting slaves, and hold the same on terms of entire equality; and hence, that the Senator from Virginia was under an entire mistake, in fact and in law, when he said that the South had been excluded from a fair and just participation in the Territories of the United States.

Again: during the debate that has occurred at this extra session, I had occasion to present the same facts to show that the Republican party, since they came into power, have, by unanimous vote, organized all the Territories of the United States on the basis of the Kansas-Nebraska bill, without the Wilmot proviso, and without any distinction between slave property and every other kind of property. A reply was made to that speech by a Republican Senator; but when the speaker came to that portion of it, he did not deny the truth of any one of the statements that I had made, nor the accuracy of any one of the positions on this point: but I was told that, if they

had, under peculiar circumstances, surrendered the Wilmot proviso and their aggressive policy in the Territories, and adopted the doctrine of non-intervention, it was not magnanimous in me, who was the victor in the success of the principle, to be boastful in the hour of my triumph. The fact was not denied; but I was told it was not magnanimous for me to remind them that they had abandoned the proviso; that they had abandoned the doctrine of prohibiting slavery in the Territories by act of Congress, and have adopted the doctrine of non-intervention, for which I had contended for so many years. My reply was, that I did not refer to it in the spirit of taunt, or of triumph, but for a much better and a more patriotic purpose. I referred to it for the purpose of showing that the slaveholding States now in this Union have no cause of complaint that they have got their just rights in all the Territories of the United States. I referred to it for that reason, and that I take to be a patriotic object. My object was to deprive those who wished to precipitate the border States into revolution, of any pretext of doing so, so far as the territorial question was concerned, for the reason that all had been granted on the subject that the South, in former times, had demanded.

Hence, sir, I will not conceal my surprise that the Senator from Kentucky should have followed up that debate by a denial of every position that I had assumed in the debate with the Senator from Virginia, and with the Republicans on the other side of the Chamber, on this question. I do not mean a denial in specific terms, but a denial much more broad and comprehensive; for he made the denial that they had abandoned one iota of their aggressive policy upon the subject of slavery, and referred to the exclusion of the South from all participation in the Territories as the evidence that they had not abandoned it; and then asserted two or three propositions, to which I will invite the attention of the Senate. The first was, that the southern States now in the Union will not remain a part of the Union unless they have the right to emigrate with all their property into the Territories of the United States on an equality with all other property; or, failing to get that, unless they have an equitable division of the Territories. Now, sir, I am not mistaken in saying that the Senator from Kentucky assumed the proposition distinctly, that the South demanded one of those two propositions, and that the southern States would not remain in the Union unless they got one or the other. What next? He then proceeded to express his deliberate conviction that these slaveholding States had no ground to expect that they would obtain either of those propositions. Having first made these terms as the conditions on which those States would stay in the Union, having next affirmed solemnly his conviction that those terms would never be granted, he proceeds to his conclusion. What was that?

"Soon, very soon."

Speaking of Kentucky—

"from peak to peak of her mountain tops, and along all her smiling plains, will ring out a clear cry for equality and justice. She will exhaust all honorable means to reunite

these States; but if that fails, she will not lay her bright and beaming forehead in the dust, but, turning to her southern sisters, with whom she is identified by geographical position, and by the ties of friendship, of intercourse, of commerce, and of common wrongs, she will unite with them to found a noble Republic and invite beneath its statusless banner such other States as know how to keep the faith of compacts, and to respect constitutional obligations and the comity of a confederacy."

That is what these border States were to do if they did not get one or the other of the propositions stated by the Senator from Kentucky, and after the Senator from Kentucky had told them they had no ground to expect they would get either. Having established, then, that there was no hope of getting their right, Kentucky, from peak to peak of her mountain tops, from her valleys, and from her smiling plains, was to issue forth the cry for justice and equality. My object was to demonstrate that there was no foundation for such a cry. It was to demonstrate that Kentucky now has both justice and equality in all the Territories, according to the test prescribed by the Senator himself. I do not think I am assuming too much when I assert that I demonstrated yesterday that such was the case; nor am I assuming too much when I say the Senator from Kentucky to-day has not disproved, or attempted to disprove, that the right now exists under the law to emigrate into the Territories with slave property on an equality with any and all other property; and also that, in point of fact, there is an equitable division of the Territories on the line of  $37^{\circ}$ , instead of  $36^{\circ} 30'$ , giving the South half a degree more than the Crittenden proposition claimed.

The Senator has not denied either of those propositions. He has not attempted to disprove them; he cannot disprove them. He is too prudent a man to make the attempt. He knows that those Territories have been organized on the basis of the Kansas-Nebraska bill. So far as the power of Congress over slavery is concerned, so far as the power of the Territorial Legislature over slavery is concerned, the language is identical in all these new Territories with the provisions of the Nebraska bill. How does he evade—I do not use the word in an objectionable sense—but how does he avoid (perhaps that is a better word) the force of this position? Why, he says, there was a dispute about the meaning of the Kansas-Nebraska bill. There was no dispute about its terms. There never was any dispute in regard to the fact that it established non-intervention by Congress. There was no dispute that it left the Territorial Legislature free to legislate on all rightful subjects of legislation consistent with the Constitution. There was no dispute that the validity of all territorial enactments was to be decided by the Supreme Court on appeal from a territorial court. There was, however, a difference of opinion as to how the court would decide on the validity of a territorial enactment which might thereafter pass, on an appeal to the court. Such a case has never arisen. There will be differences of opinion among lawyers how the court will decide the same question when it comes up for decision from Colorado, Nevada, and Dakota, under the bills passed during the last session. But the Senator from Kentucky and myself stand pledged to abide by the decision

of the court when it should be made on each case as it should come up; and it would be our duty to do it, whether we were pledged or not.

The Senator from Kentucky thinks that the Dred Scott case has covered those disputed points. If so, it prescribes the rule for Colorado, Nevada, and Dakota, and gives all you claim in those Territories. If it has not decided the question, it leaves those Territories, with all the other Territories, under the terms of the Kansas-Nebraska bill. Hence I repeat the assertion that all the Territories, of the United States are now organized on the basis of non-intervention by Congress with the subject of slavery in those Territories, leaving the people to decide the question as they please, subject only to the limitations of the Constitution, and leaving the courts to ascertain what those limitations are. That is all the South have ever asked. There never were three members in this body from the South that ever proposed any further protection than that.

Now, sir, the Senator from Kentucky does not deny that I have stated the character and principle of all these territorial bills correctly and truthfully. He does not deny that the Republican party unanimously voted for those bills, and that, too, without the Wilmot proviso. I repeat, they voted for those bills unanimously, and without the Wilmot proviso. He does not deny these facts; he cannot; the record would contradict him; but he attempts to avoid the force of them by saying that the Republicans have not surrendered the essential principles of their party. That is not what I was talking about. My statement was specific, that they have voted for bills organizing all the Territories of the United States, on the basis of the Kansas-Nebraska act, without the Wilmot proviso; and hence that, in the organization of these Territories, they have abandoned the Wilmot proviso; they have abandoned the doctrine of congressional intervention; they have repudiated the doctrine of the congressional prohibition of slavery. That fact cannot be denied.

If that fact be true, then the southern States stand, in respect to all the Territories of the United States, on better terms than they have ever stood since this Government began; and why? I stated yesterday, and repeat again to-day, that from 1787, when the Constitution of the United States was made, up to 1859, there was a congressional prohibition of slavery in some of the Territories; and hence, during that whole period, the South was not permitted by Congress to enter all the Territories with their slave property on an equal footing with other property. By the action of the last session of Congress, supported by the unanimous vote of the Republican party, all the Territories are now open, for the first time, to such emigration on terms of equality. Can this fact be denied? The laws are on the statute-book. Hence the slaveholding States stand now, in respect to their equal rights in the Territories, on a firmer position, and a broader one, than they ever have stood from the day the Constitution was made. If the South had justice during any of that time, it has got more than that now. It did occur to me as a little strange that at the very point of time when this great concession was made to the South,

by which she secured, for the first time during our national existence, entire equality in all the Territories for her slave property, on an equal footing with every other kind of property, an attempt should be made to induce the southern people to think that they had just been deprived of that which had just been secured to them.

Again: after having proved that, under the law, the South had equal rights with the North in all the Territories, I went on and proved that in fact she enjoyed all the benefits of an equitable partition also. I stated yesterday that by the territorial law slavery is protected in all the territory south of the thirty-seventh parallel; whereas the Crittenden proposition only proposed to have it thus protected south of 36° 30'. The State of Kentucky considers Mr. Crittenden's proposition an equitable division. Then, I presume, the Senator from Kentucky will not dispute what his State has declared on this subject.

Mr. BRECKINRIDGE. I was willing to accept it.

Mr. DOUGLAS. He was willing to accept 36° 30' as an equitable partition. I have demonstrated to him that, under the law as it now stands, the slaveholders have, in point of fact, every foot of territory south of 37°, half a degree more than the Senator from Kentucky himself was willing to accept. Why should he not be satisfied? He has got more than he asked on the score of equitable division; he has got half a degree more than his State demanded on principles of equitable division; he has got the right to go into all the Territories under the law of Congress, for which the Republicans all voted a few weeks ago. Hence I affirm again that the southern States possess, both in law and in fact, all the advantages of both the propositions which the Senator laid down, and only one of which he demanded as a matter of right.

On this statement of facts, I think I had a right to appeal to the Senator from Kentucky, as a man who loved this glorious Union and wished to see it preserved, to return to his native State, and from peak to peak of every mountain top, and in every valley, and upon every smiling plain, proclaim to the people of Kentucky that now, for the first time since the election of Mr. Lincoln, the South has got justice and equality in all the Territories. I did not ask him to say that the Republican party had surrendered all their essential principles. I did not ask him to say or do anything that will promote the interests of that party. I do not intend myself, any further than duty to my country requires me, to do any act that will advance that party. I do not believe in the political creed of that party. I do not believe that the best interests of the country will permit them to exercise its power. Still, I prefer the Union, even under a Republican Administration, to disunion under any circumstances. Inasmuch as it is true that they have, in the late territorial organizations, recognized the rights of the South in all the Territories, and placed the southern man on an equality with the northern man; inasmuch as it is true that, in point of fact, all the territory south of 37° is slaveholding territory, and that they have not attempted to repeal the slave code

of New Mexico and abolish slavery—these truths, these great facts, which demonstrate to the southern people that equality and justice have already been extended to them, ought to be proclaimed by every loyal Union man in every slaveholding State. That is all I ask. I demand that every fact and truth which can be uttered by a Union man to allay sectional strife, to calm the irritation in the slaveholding States, to restore reason and patriotism, ought to be proclaimed and urged, in order that we may hereafter proceed to secure such constitutional guarantees as will prevent the recurrence of these strifes.

I believed the Senator from Kentucky had inadvertently fallen into grave errors of fact and of law on these points. I think he must now be satisfied such was the case. I thought he would take it as an act of kindness if, in respectful terms, I pointed out those errors of fact and of law, and thus enabled him, as a Union man, to go home to Kentucky and tell that people, "while we are bound to submit to a Republican Administration, unpleasant and disagreeable as it is, yet we have secured equality of rights in all the Territories, under the law, and an equitable division in point of fact besides; and hence we have no excuse, no pretext for dissolving the Union, so far as the territorial question is concerned." Then, what more should he tell them? He should tell them that, having got their rights in the Territories, he was gratified to be able to say also, that, notwithstanding the party pressure, the last Congress had, by a vote of two thirds, proposed an amendment to the Constitution prohibiting any future amendment by which Congress could ever interfere with slavery in the States. "Thus," he could say, "we have two assurances: one that our rights shall never be violated in the Territories, and another that they shall never be violated in the States of the Union." I had hoped he would be willing to go back to Kentucky and proclaim these facts to the people, and let them judge whether these facts did not furnish assurances that they might expect justice and equality in the Union.

I was in hopes he would go further, and say that while it was true that some portions of the Republican party do actually deny the right of property in man, the whole party does not hold to that doctrine; that there is a division in the Republican party on that point—some claiming that slavery may be legalized, that the right of property in person may exist, while others deny that proposition. I had hoped, too, that when he referred to these divisions in the Republican party he would have cited the fact that Mr. Lincoln, the President of the United States, was among those who held the doctrine that there is such a thing as a right of property in a slave, and hence that the southern States had a right to demand an efficient fugitive slave law for the return of their slaves. Mr. Lincoln has proclaimed these opinions. He has never taken them back. He holds, therefore, that there is such a legal right of property in a slave as enables the master to reclaim him, and makes it the duty of the Government to protect that right. Then there is a case in which Mr. Lincoln himself recognizes the right and duty of Federal protection to slave property. He acknowl-

edges the right of Federal protection, the duty of Congress to pass a law affording that Federal protection, the duty of the officers to execute the law; and he has proclaimed in the inaugural his purpose to carry out that law, and furnish that Federal protection according to the laws of the land.

The Senator, then, is mistaken in supposing that there is no instance in which a Republican Administration would furnish Federal protection to slave property. I am aware that there is a general opinion at the South that the Republican party deny that there can be a right of property in man in any case; and it is supposed that they have said so in the Chicago platform. They have said no such thing. They have said what amounts to an irresistible implication that the reverse is true. In all the slaveholding States the courts have held, and in the free States, too, I believe, that the master of a slave has a qualified right of property in that slave—not an unqualified one. An unqualified right of property is that which you may exercise as you please. You have an unqualified right of property in your horse, in your ox; and you may use them, or you may destroy them. Not so with your slave; not so with your child; not so with your apprentice boy. In all the domestic relations, the right of property which you possess is a qualified right. Now, what does the Chicago platform say upon that? The fifth resolution says:

“That the present Democratic Administration has far exceeded our worst apprehensions in its measureless subservience to the exactions of a sectional interest, as especially evinced in its desperate exertions to force the infamous Leecompton constitution upon the protesting people of Kansas; in constraining the personal relation between master and servant to involve an unqualified property in persons.”

They deny that the master has an “unqualified” right, but assert, by irresistible implication, that his right is only a qualified right of property; and that is just what the courts hold in the South and in the North everywhere—a qualified right; one susceptible of being made the basis of a legal action in court; one to be enforced by decrees of courts, and protected by the Government to the extent of its delegated powers. Mr. Lincoln belongs to that wing of the Republican party which asserts this qualified right of property in persons, and holds that it is the duty of the Federal Government, in all its departments, to yield protection to slave property in accordance with that provision of the Constitution which provides for the surrender of fugitive slaves. Hence I do assert that it is not dealing fairly with this subject to say that the Republicans deny that there is any such thing as a right of property in a slave. It is unfair to say that the Republican Administration deny that the Federal Government shall protect slave property in any case, for their President has told you in the inaugural that he will protect it in the cases provided for in the Constitution.

I submit, then, whether I have not conclusively demonstrated these distinct propositions: that, under the laws as they now stand, slavery is not prohibited anywhere in the Territories of the United States; that, in this respect, the South stand

on a better footing than they ever have done, from the beginning of the Government; that, for the first time, all the Territories have been organized on the principle that slave property stood on an equal footing with other property, and that, too, by the unanimous vote of the Republican party; and hence the South not only have the legal right to claim, but they have the actual enjoyment of their share of the Territories, on the principle of an equitable division upon the parallel of 36° 30'. The Senator from Kentucky has not denied either one of these propositions. I presume he will not deny them. His denial is, that the Republicans have abandoned their essential principles. I do not know what they consider to be their essential principles; I do not know what the Senator from Kentucky considers them to be. I am not the apologist of the Republicans. It is not my purpose to arraign them unjustly, or to defend them in the wrong. I assert that they have abandoned the Wilmot proviso for the doctrine of non-intervention in the Territories. The excuse for that, as stated by the Senator from Kentucky, is, that they were not pledged to prohibit slavery except when it was “necessary,” and, in this instance, they did not deem it necessary. Sir, I thought this phrase “when necessary,” was a miserable dodge in the Chicago platform when adopted; and I thought it a still more miserable dodge when it was copied from the Chicago platform into the senatorial caucus platform last spring. “When necessary!” Break up the country on a pledge to protect slave property when necessary, and then refuse to vote that it is necessary at all, or that they ever expect the time to arrive when it will be necessary.

Mr. President, when did the Republicans, on former occasions, deem it necessary? They said it was necessary in 1854, when the Nebraska controversy was up, to have a prohibition of slavery in the identical territory now covered by Colorado, by Dakota, and by Nevada. They then said it was absolutely necessary to have a prohibition there in order to keep slavery out; and because I was opposed to such a provision, I was called a traitor to freedom, a traitor to the North! This is the identical territory about which that dispute occurred. Did not the Republicans say that prohibition was necessary in this identical territory, and in every foot of it? If it was necessary then, is it not so now? Has the nature of that climate changed? Have the laws of God changed in that Territory? Has the nature of the negro or of the white man changed? If it was necessary then, it is necessary now. They asserted the necessity then; they have refused to exercise the power now. This flimsy excuse will not answer. Their action amounts to an abandonment of the policy of the Wilmot proviso. They have now organized the Territory about which the Nebraska fight was made seven years ago, on the identical principle of the Nebraska bill, for which the Senator from Kentucky and myself both voted. Then they have abandoned their doctrine; they have practically acknowledged that they were wrong in insisting upon it in that controversy.

But, Mr. President, the Senator from Kentucky is apprehensive that the Republicans are

going to apply the proviso, hereafter prohibiting slavery, in such country as it may be necessary. What country is that? I have repeated too often to have it forgotten, that they have organized every foot, every inch of territory we have got, without the proviso. They have nowhere else to put it. They have applied the principle of non-intervention and popular sovereignty to all our territory. Everywhere, wherever the American flag waves over American soil, in any Territory of the United States, there the Republicans, by their vote and their action, have sanctioned the principle of non-intervention.

Mr. President, I will occupy no more time. I know the Senate is anxious to proceed with its other business, and I regret that I have been compelled to occupy so much time. I repeat, in conclusion, what I said in the beginning, that my object, in the remarks I made yesterday, was solely to vindicate what I had previously said in reply to other Senators, and thereby correct the misapprehension under which a portion of the southern people were laboring in regard to the true condition of the Territories.

After some further remarks by Mr. BRECKINRIDGE—

Mr. DOUGLAS said:

Mr. PRESIDENT: The Senator from Kentucky persists that he will not go back to Kentucky and tell his people that they stand, in respect to the Territories now, in a better condition than they ever did before; but he does not deny the fact that such is the case. He does not deny that always heretofore slavery has been prohibited by act of Congress somewhere in the Territories; and that now it is not prohibited anywhere. Heretofore, the South have been excluded from a portion of them by law; now, they are excluded from none of them by law. He cannot deny that state of facts; and hence the southern people stand in a better position now than they ever did before. He cannot deny the fact; but he says he will not tell his people that the fact is so. I desire that the people of Kentucky and of every State of this Union shall know the facts. I desire to put the Republican party out of power as much as the Senator from Kentucky does; but I will not foster unkind feeling and apprehensions of danger in the South, for party purposes. I will tell the truth about the conduct of the Republican party, even if it operates to their credit, and to the injury of my own party. They having passed these laws, I give them credit for what they have done. The Senator does not deny that they have passed those laws; but he professes to believe that they do not intend to carry out this policy in the future. All I have to say on that point is, they have done it. It is not a question of what they intend to do; it is done. They have organized every Territory in America without the proviso: the act is accomplished. It will not do for the Senator to deny that they intended to do what they have done.

Again: the Senator attempts to prove that such is not the purpose of the Republican party, by reading what they said in the Chicago platform before the election, to contradict what the party

have done by their recorded votes since the election. The Chicago platform cannot prove that every Republican in this Senate did not, since that platform was adopted, vote on the yeas and nays for the organization of each Territory without the proviso.

Mr. BRECKINRIDGE. Ask them the reason.

Mr. DOUGLAS. I am not talking with them about the reason. I am talking about the fact.

Mr. BRECKINRIDGE. Will the Senator allow me one moment?

Mr. DOUGLAS. Certainly.

Mr. BRECKINRIDGE. He speaks of the fact. The significance of a fact depends often on the reason of it. There they sit. Let him ask them the reason now.

Mr. DOUGLAS. Mr. President, I have spoken of this fact, and attributed to them what I considered the reason; that it was a patriotic regard for the country, to prevent further disruption of the Union. No one of them has dissented. When I have called upon them for a dissent from other portions of my speeches, they have told me that it was not their policy to answer questions, and that they did not think I had a right to insist upon answers from them. I took the hint, and did not choose to ask them any more questions. It is enough for me that they have done this act, and that the act which they have done put the South in a better position than it ever was before; gives the South equality in all the Territories, and an equitable division besides. I want these facts known to the people of Kentucky, not to injure the Senator, as he supposes, but to enable him to rally the Union men, and vote down and crush out every disunionist in Kentucky. That is what I want it for. [Applause in the galleries.]

The PRESIDING OFFICER called to order.

Mr. DOUGLAS. I want to strengthen his hands since he tells us of his devotion to the Union, and how anxious he is to prevent the secession of the border States. I am not willing that disunionists should cut his throat, and get his State out of the Union, depriving him of his seat for the next six years in this Chamber. I want to save to the country his valuable services for the next six years. I want to save the State of Kentucky from disunion. I want to strengthen his hands as the leader of the Union men—as I now understand that to be his position—and enable him to annihilate all secessionists in Kentucky, by demonstrating that she is safe in the Union, even under this Republican Administration. That is my object. It was intended as an act of kindness, therefore, to the Senator from Kentucky; and I am glad to be assured by him that I misapprehended him when I supposed that he thought Kentucky ought to secede if she did not get the terms of which he spoke. But it seems that he was only expressing an opinion of what Kentucky would do, but not what he wished to have her do. I am glad to be informed that he does not think she ought to secede in that contingency.

Mr. BRECKINRIDGE. I said nothing upon that subject, sir.

Mr. DOUGLAS. The Senator corrected my inference that he thought she ought; and by cor-

recting that inference, I supposed he meant to intimate that it was a wrong inference, or otherwise he would not have contradicted it. But, sir, I will not prolong this debate. My object has not been to have a controversy with any one. The position of the Senator from Kentucky is well known on the old party issues. My position is equally well

known; but I refrain from entering into that field of controversy. I have only answered such positions as I deem essential to the encouragement of the Union men, north and south, to the end that they might be able to rally the patriotic hosts of all parties and put down disunion and secession in every state of the Union.